

By 

S.B. No. 602

A BILL TO BE ENTITLED

AN ACT

relating to the selection of delegates to national nominating conventions and party nominees for public office.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Texas Election Code is amended by adding Section 235b to read as follows:

235b. PRESIDENTIAL PRIMARY: SELECTION OF DELEGATES TO NATIONAL NOMINATING CONVENTION OF PARTIES HOLDING PRIMARIES

Subdiv. 1. "PRESIDENTIAL PRIMARY" DEFINED. "Presidential primary" means a primary election held to select delegates to a national presidential nominating convention of a political party.

Subdiv. 2. PARTIES REQUIRED TO HOLD PRESIDENTIAL PRIMARY. A political party shall hold a presidential primary in this state if:

(1) in a presidential election year the party is required by this code to use the primary election process to nominate candidates for state and county offices; and

(2) the party is authorized by national party rules to hold a presidential primary.

Subdiv. 3. PARTIES AUTHORIZED TO HOLD PRESIDENTIAL PRIMARY. A political party is authorized (but not required) to hold a presidential primary in this state if:

(1) in a presidential election year the party is authorized (but not required) to use the primary election process to nominate candidates for state and county offices; and

1 (2) the party is authorized by national party rules to hold
2 a presidential primary.

3 ^{Subdivision} (4) DATE OF PRIMARY. The presidential primary shall
4 be held on the second Tuesday in March of a presidential election
5 year.

6 ^{Subdivision} (5) EXPENSES OF PRIMARY. To the extent practicable,
7 the expenses of the presidential primary shall be paid in the same
8 manner as the expenses of the general primary election.

9 ^{Subdivision} (6) MANNER OF QUALIFYING FOR PLACE ON BALLOT. (a)
10 Candidates qualify to have their names placed on the presidential
11 primary ballot (whether as delegate candidates or as presidential
12 candidates) in the manner prescribed by state and national party
13 rules, subject to this subdivision.

14 ^(b) Not later than the 45th day before presidential primary
15 election day, the state chairman of each political party holding a
16 presidential primary shall notify the secretary of state of the
17 name of each person qualifying under the party's rules to be listed
18 on the presidential primary ballot.

19 ^(c) To be valid, a signature on a petition to qualify a
20 candidate for a place on the ballot must be that of a registered
21 voter and must be accompanied by the address, including county, and
22 the voter registration number of the signer. A person may not sign
23 petitions supporting more than one presidential candidate, or
24 supporting delegates for more than one presidential candidate, and
25 if a person does so, the person's signature is void as to all
26 petitions the person signs.

27 ^(d) The secretary of state shall prescribe the form for the

1 applications and petitions to be used to qualify for placement on
2 the ballot.

3 Subdiv. 7. PRESIDENTIAL PRIMARY BALLOT FORM. (a) The
4 presidential primary ballot shall contain the heading:
5 "Presidential Primary Ballot for the _____ Party."

6 (b) The form of the ballot shall conform to the rules
7 prescribed by this code for ballots in elections generally to the
8 extent those rules can be made applicable.

9 Subdiv. 8. SELECTION OF NATIONAL DELEGATES; ALLOCATION;
10 PLEDGES. (a) Except as otherwise provided by this section, the
11 process for selection of delegates to a party's national
12 presidential nominating convention (including the percent of the
13 delegation to be chosen on the basis of the results of the
14 presidential primary, the character of the election districts from
15 which delegates are elected, and the number and character of
16 at-large delegates), the method of allocating delegates among
17 presidential candidates and uncommitted status, and the conditions
18 under which delegates are pledged to presidential candidates shall
19 be as prescribed by state and national party rules.

20 (b) Those national delegates and alternates that are not
21 selected through the presidential primary election process shall be
22 selected by the state executive committee of the party in
23 accordance with state and national party rules.

24 Subdiv. 9. IMPLEMENTATION BY PARTY. (a) The state
25 executive committee of each political party holding a presidential
26 primary in this state shall adopt the party rules necessary to
27 implement this section.

1 ^{al} (b) The committee shall file the rules with the secretary of
2 state before January 5 of the presidential election year in which
3 the primary is to be held.

4 ^{al} (c) The committee may amend the rules from time to time, but
5 a change made in a presidential election year that affects the
6 selection of delegates to the national presidential nominating
7 convention may not take effect until after the presidential
8 election year.

9 ^{al} Subdiv. 10. PROCEDURES FOR CONDUCT OF PRESIDENTIAL PRIMARY
10 GENERALLY. (a) Except as otherwise provided by this section, the
11 presidential primary shall be conducted and the results canvassed
12 in accordance with the procedures prescribed by this code for
13 conducting the general primary election to the extent those
14 procedures can be made applicable.

15 ^{al} (b) The secretary of state by directive shall prescribe any
16 additional procedures necessary for the orderly and honest conduct
17 of the presidential primary election.

18 ^{al} Subdiv. 11. NONBINDING PRESIDENTIAL REFERENDUM. (a) In a
19 presidential election year, state funds may not be spent to finance
20 an election in which a nonbinding presidential referendum is
21 conducted.

22 ^{al} (b) "Nonbinding presidential referendum" means an election
23 in which voters are given an opportunity to express a preference
24 for presidential candidates but in which the result is not a
25 mandatory factor in selecting delegates to a national presidential
26 nominating convention of a political party. ¹⁰

27 SECTION 2. Section 181, Texas Election Code, as amended

1 (Article 13.03, Vernon's Texas Election Code), is amended to read
2 as follows:

3 181. DATE OF GENERAL AND SECOND PRIMARY. The first Tuesday
4 after the second Monday in July, 1980 [~~Saturday in May of 1960~~],
5 and every two (2) years thereafter shall be general primary
6 election day, and primary elections to nominate candidates for a
7 general election shall be held on no other day, except when
8 specially authorized. No person shall be declared the nominee of
9 any political party at any primary election for any office unless
10 he has complied with every requirement of all laws applicable to
11 primary and other elections, and has received a majority of all the
12 votes cast at such primary elections for all candidates for such
13 office. If at the general primary election for any political
14 party, no candidate becomes the nominee for any office under this
15 section [~~Article~~], a second primary election shall be held by such
16 political party on the second Tuesday after the second Monday in
17 August [~~first Saturday in June~~] succeeding such general primary
18 election, and only the names [~~name~~] of the two (2) candidates who
19 received the highest number of votes for any office for which
20 nomination was made at the general election shall be placed on the
21 official ballot as candidates for such office at such second
22 primary, except as herein stated, provided that in case no one
23 received a majority in the first primary and if the second and
24 third highest candidates in that race shall be tied these two (2)
25 shall cast lots under the direction of the county chairman or state
26 chairman as the case may be to see which of the two (2) shall have
27 his name printed on the second primary ballots. The second primary

1 election shall be conducted according to the law prescribed for
2 conducting the general primary election and the candidates
3 receiving a majority of all votes cast for the office to which they
4 aspire shall be declared the nominee for their respective offices.
5 Nominations of candidates to be voted for at any special election
6 shall be made at a primary election at such time as the party
7 executive committee shall determine, but no such committee shall
8 ever have the power to make such nominations, except where provided
9 for by law. All precincts in the same county and all counties in
10 the same district shall vote on the same day. Nominations of party
11 candidates for offices to be filled in a city or town shall be made
12 not less than thirty (30) days prior to the city or town election
13 at which they are to be chosen, in such manner as the party
14 executive committee for such city or town shall direct, and all
15 laws prescribing the method for conducting county primary elections
16 shall apply to them. 00

17 SECTION 3. Subsections (c), (h), and (i), Section 190, Texas
18 Election Code, as amended (Article 13.12, Vernon's Texas Election
19 Code), are amended to read as follows:

20 00 (c) The application shall be filed with the state chairman
21 in the case of all statewide offices and all district offices which
22 are filled by the choice of voters residing in more than one
23 county. It shall be filed with the county chairman of the
24 particular county in the case of county and precinct offices and
25 district offices which are filled by the choice of voters residing
26 in only one county or less than one county. Except as provided in
27 Subsection (d) of this section, the application shall be filed not

1 later than 6 p.m. on the first Monday in ~~April~~ [February] preceding
2 such primary.

3 (h) Within ten days after the filing deadline stated in
4 Subsection (c) of this section [~~first Monday in February~~], the
5 state chairman shall file with the Secretary of State, and each
6 county chairman shall file with the county clerk of his county a
7 list of the names of all candidates, arranged by office for which
8 nomination is sought, whose applications have been timely received.
9 In like manner each chairman shall file, within three days after
10 any extended filing deadline under Subsection (d) of this section,
11 a supplemental list of candidates whose applications were timely
12 received after the original list was prepared. Each county
13 chairman shall forward to the chairman of the state executive
14 committee a copy of each list which he files with the county clerk.

15 (i) On the fourth [~~second~~] Monday in ~~April~~ [March] preceding
16 each general primary, the state committee shall meet at some place
17 to be designated by its chairman, who shall not less than three
18 days prior to such meeting notify by mail all members of the
19 committee and all persons whose names have been requested to be
20 placed upon the official ballot of such designation. Such
21 committee at this meeting by resolution shall direct their chairman
22 to certify to each county chairman the names of such candidates as
23 shown by the applications received by him. Copies of such
24 certificates shall be immediately furnished to each newspaper in
25 the state desiring to publish same, and one copy shall at once be
26 mailed to the chairman of the executive committee of each county.

27 SECTION 4. Section 192, Texas Election Code, as amended

1 (Article 13.14, Vernon's Texas Election Code), is amended to read
2 as follows:

3 192. PRIMARY COMMITTEE. Subject to the approval of the
4 committee, the county chairman shall appoint a subcommittee of five
5 (5) members to be known as the primary committee, of which he shall
6 be ex-officio chairman. This subcommittee shall meet on the second
7 day after the meeting of the county executive committee provided
8 for in Section 195 of this code (Article 13.17, Vernon's Texas
9 Election Code) [fourth Monday in March] and make up the official
10 ballot for such general primary in such county, in accordance with
11 the certificate [certificates] of the state [State and district]
12 chairman and the applications for a place on the ballot [request]
13 filed with the county chairman, and place the names of the
14 candidates for nomination for State, district, county, and precinct
15 offices thereon in the order determined by the county executive
16 committee [as herein provided]. 00

17 SECTION 5. Subsection (a), Section 195, Texas Election Code,
18 as amended (Article 13.17, Vernon's Texas Election Code), is
19 amended to read as follows:

20 00 (a) The various county committees of any political party, on
21 the first [third] Monday in May [March] preceding each general
22 primary, shall meet at the county seat and determine by lot, in
23 open meeting, the order in which the names of all candidates for
24 all offices, including statewide races, requested to be printed on
25 the official general primary ballot shall be printed thereon. 00

26 SECTION 6. Section 196a, Texas Election Code, as amended
27 (Article 13.18a, Vernon's Texas Election Code), is amended to read

as follows:

196a. DISTRICT AND PRECINCT EXECUTIVE COMMITTEES

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⁰⁰ Subdivision 1. [~~4~~] For a district composed of more than one county or part thereof, the county chairman of each county wholly within the district shall be ex officio a member of the district executive committee for each such district of which his county is a part. When a part of a county is joined with one or more other counties or parts of counties to form a district, ~~before [at a meeting of the county executive committee on the second Monday in February preceding]~~ each general primary election, the precinct chairmen of the election precincts included within such part of the county shall elect one of their number to serve as district committeeman. The election of the district committeeman shall be conducted at the meeting of the county executive committee held under Subsection (a), Section 195 of this code (Article 13.17, Vernon's Texas Election Code). ~~A[and a]~~ district committeeman shall be selected in this manner for each type of district and for each district for which any part of the county less than the whole county is joined with territory in another county or counties. The district committee thus formed shall elect its own chairman. Whenever a vacancy occurs in a district office and the district committee is empowered to name a nominee or a substitute nominee, or whenever for any other reason it becomes necessary for the district committee to meet and organize, the chairman of the state executive committee shall call a meeting of the district committee by giving notice to each member of the time and place where such meeting will be held and of the purpose of the meeting. The state

1 chairman shall designate one member as temporary chairman, who
2 shall call the meeting to order and preside until the committee
3 elects its own chairman. The chairman elected by the committee
4 shall continue to act as chairman during the remainder of that term
5 of office, and shall call any subsequent meetings of the committee
6 which are held during that time.

7 *Subdivision* Subdiv. 2. [~~2~~] For a district composed of only one county,
8 the county executive committee shall constitute the district
9 executive committee for that district, and the county chairman
10 shall be chairman of the district executive committee.

11 *Subdivision* Subdiv. 3. [~~3~~] For a district composed of only a part of
12 one county, the precinct chairmen of the election precincts
13 included within the district shall constitute the district
14 executive committee. At the meeting of the county executive
15 committee specified in Subdivision 1 of this section [~~on the second~~
16 ~~Monday in February preceding each general primary election~~], the
17 precinct chairmen within the district shall elect one of their
18 number to serve as chairman of the district executive committee;
19 and a chairman shall be selected in this manner for each type of
20 district and for each district composed of only a part of the
21 county.

22 *Subdivision* Subdiv. 4. [~~4~~] Within three days after the aforesaid
23 meeting of the county executive committee, the county chairman
24 shall forward to the state chairman the names of the district
25 committeemen and of the chairmen of the district committees who
26 were selected at the meeting.

27 *Subdivision* Subdiv. 5. [~~5~~] At this same meeting of the county

1 committee, the precinct chairmen in each commissioners precinct and
2 justice precinct shall select one of their number to serve as
3 chairman of the precinct executive committee for each respective
4 commissioners precinct and justice precinct. The precinct chairmen
5 of the election precincts within the commissioners precinct or
6 justice precinct shall constitute the precinct committee. //

7 SECTION 7. Section 205, Texas Election Code, as amended
8 (Article 13.27, Vernon's Texas Election Code), is amended to read
9 as follows:

10 00 205. CANVASS BY STATE EXECUTIVE COMMITTEE

11 11 Subdiv. 1. [~~a~~] The chairman of the executive committee
12 for each county shall immediately prepare, within twenty-four hours
13 after the vote in the primary election has been canvassed by the
14 county executive committee as provided in Section 202 of this code
15 (Article 13.24, Vernon's Texas Election Code), a tabulated
16 statement of the votes cast in his county for each candidate for
17 each nomination for a state, district, county, or precinct office,
18 and of those cast for county chairman and precinct chairman, and
19 within that twenty-four-hour period mail such statement as to a
20 state or district office, in a sealed envelope by registered or
21 certified letter to the chairman of the state executive committee,
22 who shall present the same to the state executive committee as
23 herein provided.

24 00 Subdiv. 2. [~~b~~] On the second Tuesday following the day of
25 the general primary [~~4th May~~], the state executive committee shall
26 meet at a place selected at the meeting provided for in Section 190
27 of this code (Article 13.12, Vernon's Texas Election Code) [~~held on~~

1 ~~the second Monday in March preceding~~], and shall open and canvass
2 the returns of the election as to candidates for state and district
3 offices, as certified by the various county chairmen, and shall
4 prepare a tabulated statement showing the number of votes received
5 by each such candidate in each county, which statement shall be
6 approved by the state committee and certified by its chairman. In
7 the event any candidate for a state or district office received in
8 the general primary the necessary vote to nominate, within five
9 ~~[twenty]~~ days after the canvass the chairman of the state executive
10 committee shall certify the name of such candidate to the Secretary
11 of State, to be printed upon the official ballot for the general
12 election as a candidate of the party for the office to which he was
13 nominated. If such returns show that for any state or district
14 office no candidate received a majority of all the votes cast for
15 all candidates for such office, the committee shall prepare a list
16 of the two candidates receiving the highest vote for each office
17 for which no candidate received a majority and shall certify ~~the~~
18 names of the candidates ~~[same]~~ to the county chairmen of the
19 several counties to be placed upon the official ballot as
20 candidates for office at the second primary election ~~[to be held on~~
21 ~~the first Saturday in June thereafter]~~.

22 ^{on} Subdiv. 3. ~~[(e)]~~ Not later than the second Monday after the
23 second primary election ~~[third Saturday in June of each election~~
24 ~~year]~~, the state executive committee shall meet at the call of the
25 chairman fixing the date of the meeting, at a place selected at the
26 meeting held under Subdivision 2 of this section ~~[on the second~~
27 ~~Tuesday following the day of the general primary]~~, and shall open

1 and canvass the returns of the second primary election as to
2 candidates for state and district offices as certified by the
3 various county chairmen to the state chairman, and shall prepare a
4 tabulated statement showing the number of votes received by each
5 such candidate in each county, which statement shall be approved by
6 the state committee and certified by its chairman. Not later than
7 the following day [~~within twenty days thereafter~~], the chairman of
8 the state executive committee shall certify to the Secretary of
9 State[?] the names of the [~~district~~] candidates receiving the
10 highest vote, to be placed on the general election ballot.

11 ¹¹ Subdiv. 4. The state executive committee at its meeting held
12 under Subdivision 2 of this section may provide by written
13 resolution that the canvass of the second primary shall be made by
14 a subcommittee composed of the state chairman and four other
15 members of the state committee selected by the committee and named
16 in the resolution. Three members of the subcommittee constitute a
17 quorum for making the canvass.

18 ¹¹ Subdiv. 5. At the same time that the state chairman
19 certifies the names of the nominees to the Secretary of State
20 following each canvass, he [~~(d) Within twenty days after the date~~
21 ~~of each canvass, the chairman of the state executive committee]~~
22 shall also forward a copy of the tabulated statement prepared by
23 the committee to the Secretary of State, who shall file such
24 statement in the records of his office.

25 SECTION 8. Section 212, Texas Election Code, as amended
26 (Article 13.34, Vernon's Texas Election Code), is amended to read
27 as follows:

212. PRECINCT, COUNTY, AND SENATORIAL DISTRICT CONVENTIONS

Subdiv. 1. ~~The delegates to the state convention provided for in Section 216 of this code (Article 13.38, Vernon's Texas Election Code) shall be selected at county conventions and senatorial district conventions held on the first Saturday after the general primary election day, composed of delegates selected at precinct conventions held on the general primary election day. The hour and place for holding the precinct, county, and senatorial district conventions shall be determined at the meeting of the county executive committee provided for in Section 195 of this code (Article 13.17, Vernon's Texas Election Code), in the manner provided in Subdivision 6 of this section.~~

Subdiv. 2. ~~A county convention shall be held in each county [(a) On the first Saturday after the general primary election day in each election year, there shall be held in each county a county convention of each party holding primary elections]; provided, however, that [except as provided in the last sentence of this subsection,] whenever the territory of a county forms all or part of more than one state senatorial district, in lieu of the county convention in such county there shall be held [on the day stated above] a convention (hereinafter called senatorial district convention) in each part of the county constituting all or part of each of such senatorial districts. Each county convention or senatorial district convention shall be composed of one delegate from each election precinct in such county or senatorial district or part thereof for each twenty-five votes, or major fraction thereof, cast for the party's candidate for Governor in such~~

1 precinct at the last preceding general election for that office [
2 ~~which delegate or delegates shall be elected by the qualified~~
3 ~~members of the party in each precinct at precinct conventions to be~~
4 ~~held on the general primary election day~~]. In case at the
5 preceding general election there were cast for such candidate for
6 Governor less than twenty-five votes in any precinct, then each
7 ~~[all]~~ such precinct ~~[precincts]~~ shall elect one delegate. Where
8 the boundaries of an election precinct have been changed or a new
9 precinct formed since the last general election for Governor, the
10 county executive committee shall allocate to each such precinct the
11 number of delegates to be elected in that precinct, and may use any
12 fair and reasonable method for making the allocation. However,
13 notwithstanding the provisions of this subdivision ~~[subsection]~~, in
14 any county which forms all or part of two senatorial districts, the
15 less populous of which has a population of less than 50,000
16 persons, according to the last preceding federal census, there
17 shall be held one county convention in lieu of the two senatorial
18 district conventions which would otherwise be required by this
19 subdivision ~~[subsection]~~.

20 ^{as} Subdiv. 3. ~~[(b)]~~ At the meeting of the state executive
21 committee provided for in Section 190 of this code, the committee
22 shall set the ratio for the selection of delegates to the state
23 conventions of that party for that ~~[election]~~ year, which ratio
24 shall be one delegate for not less than each three hundred votes
25 and not more than each six hundred votes cast for the party's
26 candidate for Governor at the last preceding general election for
27 that office in each county or in each part of a county forming all

1 or part of a state senatorial district. ~~The [and the]~~ state
2 chairman shall notify the county chairman of each county and the
3 temporary chairman of each senatorial district convention of the
4 ratio set for that year's conventions within ten days after the
5 date of such meeting. Each county convention or senatorial
6 district convention shall elect one delegate for each such number
7 of votes, or major fraction thereof, as set by the state committee.
8 If at the preceding gubernatorial general election there were cast
9 for the party's candidate for Governor in the territory represented
10 at the convention less than the number set by the state committee,
11 then the convention shall elect one delegate. In the state
12 conventions each county or each part of a county which holds a
13 senatorial district convention shall be entitled to one vote for
14 each delegate which it is entitled to elect. Those delegates that
15 ~~[The delegates so elected shall be delegates for all state~~
16 ~~conventions held throughout the remainder of the year and such of~~
17 ~~them as may]~~ attend a [such] state convention are entitled to
18 ~~[conventions shall]~~ cast all the votes allocated to [for] the
19 territory [which] they represent ~~[in such conventions]~~.

20 Subdiv. 4. [e] The qualified members of the party in each
21 election precinct of the county shall assemble on the date for
22 holding the precinct convention ~~[named]~~ and shall be called to
23 order by the precinct chairman, or in his absence by any qualified
24 member of the party residing within the precinct. Before
25 transacting any business, the precinct chairman shall cause to be
26 made a list of all qualified members of the party present. The
27 name of no person shall be entered upon the list nor shall he be

1 permitted to vote, be present at, or participate in the business of
2 the convention until it is made to appear that he is a qualified
3 voter in the precinct, from a certified list of registered voters
4 ~~[the qualified voters, the same as is required in conducting a~~
5 ~~general election]~~, and that he has qualified as a member of the
6 party as provided in Section 179a of this code (Article 13.01a,
7 Vernon's Texas Election Code). The precinct convention shall elect
8 from among those present and qualified a permanent chairman and
9 such other officers as may be necessary to conduct its business.
10 The chairman of the convention shall possess all the power and
11 authority that is given to election judges by the provisions of
12 this code. After the convention is organized it shall elect its
13 delegates to the county convention or senatorial district
14 convention, as the case may be, and transact such other business as
15 may properly come before it. The only qualifications for serving
16 as a delegate to a county or senatorial district convention, or to
17 a state convention, are that the person shall be a qualified voter
18 residing within the territory which he is selected to represent and
19 shall be affiliated with the party as prescribed in Section 179a of
20 this code. Such of the delegates selected at the precinct
21 convention as may attend the county or senatorial district
22 convention shall cast the number of votes equal to the full
23 delegate strength of the precinct. The officers of the precinct
24 convention shall keep a written record of its proceedings,
25 including the list of persons present and a list of delegates
26 elected to the county or senatorial district convention, with the
27 residence address of each delegate shown thereon, which shall

1 constitute the returns from the convention. The record, and a copy
2 thereof, shall be signed officially, sealed up and safely
3 transmitted in person or by registered mail by the permanent
4 chairman of the precinct convention within three days after the
5 precinct convention to the county clerk of the county, who shall
6 affix his file mark thereto and who shall promptly deliver the
7 original copy of such return to the chairman of the county
8 executive committee, and the return filed with the county clerk
9 shall be open to public inspection during the regular office hours.

10 ^{Subdiv. 5.} ~~Subdiv. 5.~~ [4] The chairman of the county executive
11 committee shall deliver the lists of delegates named by the
12 precinct conventions in the county to the county convention, or
13 shall deliver the appropriate precinct lists to each of the
14 temporary chairmen of the senatorial district conventions to be
15 held within the county, as the case may be, and these lists shall
16 constitute the temporary roll of those selected as delegates to the
17 county convention or senatorial district conventions and only
18 delegates on such temporary roll shall be permitted to vote in the
19 temporary organization of the convention. No person shall be
20 permitted to hold a proxy or vote a proxy at a county convention or
21 senatorial district convention. The county chairman shall be the
22 temporary chairman of the county convention. The senatorial
23 district committeeman selected as provided in Section 196a of this
24 code shall be the temporary chairman of the senatorial district
25 convention for a part of a county which is joined with other
26 territory in a senatorial district, and the chairman of the
27 district executive committee selected as provided in Section 196a

1 of this code shall be the temporary chairman in a district composed
2 of only a part of one county. After being called to order by the
3 temporary chairman, the convention shall elect a permanent chairman
4 and such other officers as may be necessary to conduct its
5 business. Immediately upon the adjournment of each such county or
6 senatorial district convention, the permanent chairman thereof
7 shall make out a certified list of the delegates chosen, together
8 with a copy of all resolutions adopted by the convention, and shall
9 sign the same, the permanent secretary of such convention attesting
10 his signature, and within five days after the convention shall
11 forward such certified list, resolutions and copies of each thereof
12 by sealed registered or certified letter to the Secretary of State
13 in Austin, Texas, who shall affix his file mark thereon and who
14 shall deliver the originals thereof to the chairman of the state
15 executive committee, prior to ~~the~~ [any] state convention. The
16 state chairman shall call a meeting of the state executive
17 committee, which shall, at the meeting, prepare a complete list of
18 the delegates elected to the state convention [conventions] by each
19 county convention or senatorial district convention as certified by
20 the Secretary of State. The chairman shall then present the
21 certified list to ~~the~~ [any] state convention, at any time prior to
22 its beginning, and such lists shall constitute the temporary roll
23 of those selected as delegates to such convention [conventions],
24 and only delegates on such temporary roll shall be permitted to
25 vote in the temporary organization of ~~the~~ [any--such--state]
26 convention. No person shall be permitted to hold a proxy or vote a
27 proxy at a state convention from more than one county.

1 ¹¹ Subdiv. 6. ²² At the appropriate meeting as designated in
2 Subdivision 1 of this section, the county executive committee.
3 ~~[(c) The county executive committee in its meeting on the third~~
4 ~~Monday in March preceding the general primary, provided for in~~
5 ~~Section 195 of this code]~~ or, upon its failure to act, the county
6 chairman, shall determine the hour and place at which the precinct
7 conventions shall be held ~~[on primary election day]~~. The time for
8 convening of the precinct convention to be held on general primary
9 election day ~~[in each precinct]~~ must be set between the hours of
10 two o'clock p.m. and nine o'clock p.m. The county chairman shall
11 then be required to post a copy of this order on a bulletin board
12 at the county courthouse and file a copy of the same in the office
13 of the county clerk, where it shall be open to public inspection.
14 This notice shall be posted and filed by the county chairman at
15 least ten days prior to the holding of the precinct conventions.
16 Also at this meeting the county executive committee, or, upon its
17 failure to act, the county chairman, shall decide the hour and
18 place at which the county convention shall be held, and the county
19 chairman shall post this order on the bulletin board at the county
20 courthouse and also file a copy of this notice with the county
21 clerk, at least ten days prior to the date of the county
22 convention. When senatorial district conventions are to be held in
23 a county in lieu of the county convention, at this meeting the
24 precinct chairmen for the election precincts which will select
25 delegates to each senatorial district convention, or upon their
26 failure to act, the temporary chairman of the convention, shall
27 decide the hour and place at which each respective senatorial

1 district convention shall be held, and each temporary chairman
2 shall post this order on the bulletin board at the county
3 courthouse and also file a copy of this notice with the county
4 clerk, at least ten days prior to the date of the convention.
5 Should the above-designated persons fail to post such orders and
6 file such notices, then any member of the county executive
7 committee who was entitled to participate in the decision may post
8 such orders and file such notices and such shall constitute the
9 orders and notices required herein. Should more than one member of
10 the county executive committee post such orders and file such
11 notices, then the first posting and filing in point of time shall
12 prevail.

13 *U* Subdiv. 7 ^{*decision*} [~~7~~] Representatives of newspapers, wire news
14 services, and radio and television stations shall have the right to
15 attend the precinct conventions, the county conventions, the
16 senatorial district conventions, and the state conventions for the
17 purpose of reporting the proceedings thereof.

18 *U* Subdiv. 8 ^{*decision*} [~~8~~] All nominees for the Legislature or the
19 United States Congress and all state representatives, state
20 senators, and members of Congress shall be entitled to admission to
21 the state conventions of their party, but unless elected as a
22 delegate they shall not be entitled to vote or otherwise
23 participate in the affairs of the convention.

24 *U* Subdiv. 9 ^{*decision*} [~~9~~] No person shall be ineligible to serve as
25 a delegate to any county, senatorial district, state, or national
26 convention of any political party by reason of his holding any
27 public office. *so*

1 SECTION 9. Section 213, Texas Election Code, as amended
2 (Article 13.35, Vernon's Texas Election Code), is amended to read
3 as follows:

4 213. DATE AND PLACE FOR STATE CONVENTION. At the meeting of
5 the State Executive Committee provided for in Section 190 of this
6 code (Article 13.12, Vernon's Texas Election Code), [held on the
7 second Monday in March preceding each general primary election] the
8 said committee shall decide upon the date, hour and place for
9 holding [where] the biennial State convention of the party [~~shall~~
10 ~~be held~~], said date to be any day between the first and third
11 Tuesdays, exclusive, in September, 1976, and each two (2) years
12 thereafter. The chairman of the State executive committee shall
13 file with the Secretary of State a notice of the date, hour and
14 place of holding the State convention and a copy of such notice
15 shall be mailed to the county chairman of that party in each county
16 in the State at least ten (10) days before the convention is held. 00

17 SECTION 10. Section 216, Texas Election Code, as amended
18 (Article 13.38, Vernon's Texas Election Code), is amended to read
19 as follows:

20 216. STATE CONVENTION

21 216. Subdiv. 1. The state convention to announce a platform of
22 principles, [and] to announce nominations for Governor and other
23 state offices, and to elect the state executive committee, held by
24 a political party making nominations by primary election, shall
25 meet at the time and place [~~on a date between the first and third~~
26 ~~Tuesdays, exclusive, in September of each even-numbered year, such~~
27 ~~date and the place of said meeting to be~~] determined by the state

1 executive committee as provided in Section 213 of this Code
2 (Article 13.35, Vernon's Texas Election Code), and shall remain in
3 session from day to day until [~~all nominations are announced and~~]
4 the work of the convention is finished.

5 ^{ss} Subdiv. 2. The convention shall elect a chairman and a
6 vice-chairman of the state executive committee, one of whom shall
7 be a man and the other a woman, and sixty-two members thereof, two
8 from each senatorial district of the state, one of whom shall be a
9 man and the other a woman, the members of the committee to be those
10 who shall be recommended by the delegates representing the counties
11 composing the senatorial districts respectively, each county voting
12 its convention strength, each of whom shall hold office until his
13 successor is elected; and, in case of a vacancy, a majority of the
14 members of the committee shall fill the vacancy by electing some
15 eligible person thereto, but such person shall be of the same sex
16 as the vacating member and from the same senatorial district.

17 ^{ss} Subdiv. 3. At any meeting of the state executive committee a
18 person cannot hold a proxy or participate in such meeting unless he
19 is a resident of the same senatorial district as the member giving
20 the proxy, and no person shall be permitted to hold or vote more
21 than one proxy. ^{ss}

22 SECTION 11. Section 224, Texas Election Code, as amended
23 (Article 13.47, Vernon's Texas Election Code), is amended to read
24 as follows:

25 ^{ss} 224. NOMINATING CONVENTIONS OF PARTIES NOT REQUIRED TO HOLD
26 PRIMARY

27 ^{ss} Subdiv. 1. Political parties which are not required by law

1 to make nominations by primary election may make nominations by
2 conventions as provided in this section ~~herein~~.

3 ¹¹ ~~Subdiv. 2.~~ Nominations for statewide offices shall be made
4 at a state convention, which shall be held on the third ~~[second]~~
5 Saturday in August ~~[June]~~ of the election year, and which shall be
6 composed of delegates selected in the various counties at county
7 conventions held on the third ~~[second]~~ Saturday in July ~~[May]~~. The
8 county conventions shall be composed of delegates from the general
9 election precincts of such counties elected therein at precinct
10 conventions held in such precincts on the second ~~[first]~~ Saturday
11 in July ~~[May]~~.

12 ¹¹ ~~Subdiv. 3.~~ Nominations for district offices of districts
13 composed of more than one county or part thereof shall be made at
14 district conventions held on the fourth ~~[third]~~ Saturday in July
15 ~~[May]~~ of the election year, composed of delegates elected thereto
16 from the counties having territory within the district, at the
17 county conventions ~~[held on the second Saturday in May]~~.

18 ¹¹ ~~Subdiv. 4.~~ Nominations for county and precinct offices and
19 for district offices of districts composed of only one county or
20 part of one county shall be made at the county conventions ~~[held on~~
21 ~~the second Saturday in May]~~.

22 ¹¹ ~~Subdiv. 5.~~ The state executive committee of each party shall
23 determine the formula by which the number of delegates to the
24 county, district, and state conventions of that party shall be
25 governed, and shall also formulate such rules as it deems desirable
26 with respect to participation of delegates at a county convention
27 in the nomination of candidates for precinct offices and for

1 district offices of districts composed of only a part of the
2 county, and in the election of delegates to a district convention
3 where only a part of the county is included in the district. //

4 SECTION 12. Subsection (b), Subdivision 2, Section 227,
5 Texas Election Code, as amended (Article 13.50, Vernon's Texas
6 Election Code), is amended to read as follows:

7 (b) The requirements of Subsection [Paragraph] (a) of this
8 subdivision do not apply to candidates for unexpired terms where
9 the vacancy in office occurs subsequent to the tenth day preceding
10 the regular deadline for filing application for a place on a
11 primary election ballot as prescribed in Section 190 of this code
12 (Article 13.12, Vernon's Texas Election Code), and do not apply to
13 candidates for any office for which the filing deadline in a
14 primary election is extended under the provisions of Subsection (d)
15 [~~Paragraph 2a~~] of Section 190. [~~However, an independent candidate~~
16 ~~who is not required to file a declaration of intent under Paragraph~~
17 ~~(a) of this subdivision must file with the secretary of state or~~
18 ~~the county judge, as the case may be, his written consent to become~~
19 ~~a candidate, within 30 days after the second primary election day.~~ //

20 SECTION 13. Section 231, Texas Election Code, as amended
21 (Article 13.54, Vernon's Texas Election Code), is amended to read
22 as follows:

23 231. NOMINATIONS BY PARTIES WITHOUT STATE ORGANIZATION

24 Subdiv. 1. Any political party without a state organization
25 desiring to nominate candidates for county and precinct offices
26 only may nominate such candidates therefor by a county convention
27 held on the third [~~second~~] Saturday in July [~~May~~] of the election

1 year, which convention shall be composed of delegates from the
2 various election precincts in the county, elected therein at
3 conventions held in such precincts on the second [~~first~~] Saturday
4 in July [~~May~~].

5 ¹¹ Subdiv. 2. All nominations made by any such parties shall be
6 certified to the county clerk by the chairman of the county
7 committee of such party, and, after taking the same course as
8 nominations of other parties so certified, shall be printed on the
9 official ballot in a separate column, headed by the name of the
10 party; provided, a written application for such printing shall have
11 been made to the county judge not later than August [~~June~~] 30
12 following the conventions, signed by qualified voters of the county
13 equal in number to at least three per cent of the entire vote cast
14 for governor in such county at the last general election for that
15 office. No person who is affiliated with any other political party
16 is eligible to sign the application. The application shall contain
17 the following information with respect to each person signing it:
18 his address, the number of his voter registration certificate, and
19 the date of signing. The application may not be circulated for
20 signatures until after the date of the precinct conventions, and
21 any signatures obtained on or before that date are void. The
22 application may be in multiple parts. To each part there shall be
23 attached an affidavit of the person who circulated it, who must be
24 a registered voter in the county, stating that he witnessed the
25 affixing of each signature, that the correct date of signing is
26 shown on the application, and that to his best knowledge and belief
27 each signature is the genuine signature of the person whose name is

1 signed. An application so verified is prima facie evidence that
2 the signatures thereon are genuine and that the persons signing it
3 are qualified voters of the county. ^{cc}

4 SECTION 14. Section 235, Texas Election Code, as amended
5 (Article 13.58, Vernon's Texas Election Code), is amended to read
6 as follows:

7 ^{cc}235. NATIONAL CONVENTION FOR PARTY NOT HOLDING PRIMARY.
8 ~~[(a) Any political party holding primary elections in an election~~
9 ~~year during which it desires to elect delegates to a national~~
10 ~~convention shall hold a state convention at such hour and place and~~
11 ~~on such date as may be designated by the state executive committee~~
12 ~~of the party, such date to be any day between the second and fourth~~
13 ~~Tuesdays, inclusive, following the second primary election date.~~
14 ~~Such convention shall be composed of delegates duly elected at the~~
15 ~~county and senatorial district conventions as provided for in~~
16 ~~Section 242 of this code. The chairman of the state executive~~
17 ~~committee shall notify the Secretary of State as to the date, hour~~
18 ~~and place at which the state convention will be held and shall also~~
19 ~~mail a copy of such notice to each county chairman and the~~
20 ~~temporary chairman of each senatorial district convention in the~~
21 ~~state at least ten days prior to the date of the state convention.~~

22 ^{cc}[(b)] Any political party not holding primary elections
23 which desires to elect delegates to a national convention shall
24 elect such delegates at a [the] state convention, held in June of
25 the election year, composed of delegates elected at county
26 conventions held in May of the election year. Delegates to the
27 county conventions shall be elected at precinct conventions held

1 ~~not more than fourteen nor fewer than seven days before the date~~
2 ~~for holding the county conventions. The hour and place for the~~
3 ~~precinct and county conventions shall be determined as provided by~~
4 ~~Subdivision 3, Section 222a of this code (Article 13.45a, Vernon's~~
5 ~~Texas Election Code) [provided for in Section 224 of this code].~~

6 SECTION 15. Paragraphs 3 and 4, Section 177, Texas Election
7 Code, as amended (Article 12.02, Vernon's Texas Election Code), are
8 amended to read as follows:

9 3. If a vacancy occurs in the office of a United States
10 Senator ~~[or a Congressman at Large]~~ during the year in which a
11 general election is held in this state and prior to the tenth day
12 of May ~~[March]~~ of said year, the Governor shall, within five days
13 after the vacancy occurs, issue writs of election directing that
14 the nomination and election of a United States Senator ~~[or of a~~
15 ~~Congressman at Large]~~ to fill such vacancy shall be accomplished in
16 the manner provided by law for the nomination and election of the
17 Governor; provided that when a vacancy ~~[in either or both of said~~
18 ~~offices]~~ is to be filled in this manner, a candidate for nomination
19 by any political party holding a primary election in that year
20 shall have until the first day of June ~~[April]~~ of the election year
21 to make application to have his name placed on the official ballot
22 to be used in the primary election held by said political party for
23 choosing its nominee for said office to run in the general
24 election.

25 4. If such vacancy occurs ~~[in either or both of the~~
26 ~~aforesaid offices]~~ during a year in which no general election is to
27 be held or after the ninth day of May ~~[March]~~ of a general election

1 year, the vacancy shall be filled at a special election or special
2 elections, the first of which shall be called by writ of election,
3 issued by the Governor within five days after the vacancy occurs,
4 directing that a special election be held throughout the state on a
5 specified day, which shall be the next uniform election date
6 occurring not fewer ~~[not less]~~ than sixty days ~~[not more than~~
7 ~~ninety days]~~ after the date of the writ, for the purpose of
8 electing a United States Senator ~~[or a Congressman at Large]~~ to
9 fill the existing vacancy and to serve for the unexpired term of
10 the then vacant office. *W*

11 SECTION 16. Subsection (a), Section 9b, Texas Election Code,
12 as amended (Article 2.01b, Vernon's Texas Election Code), is
13 amended to read as follows:

14 *aa* (a) Except as provided in Subsections (b) and (e) of this
15 section, every general (regular) or special election held by the
16 state or by any county, city, school district, water district, or
17 any other political subdivision or agency of this state must be
18 held on one of the following dates: the third Saturday in January,
19 the first Saturday in April, the last ~~[second]~~ Saturday in August,
20 or the first Tuesday after the first Monday in November. Provided,
21 however, that in even-numbered years the only issues which may be
22 included on the ballot of the election held on the first Tuesday
23 after the first Monday in November shall be the election of state
24 and county officers, the election of officers of a general-law city
25 wherein the governing body of said city finds that the religious
26 tenets of more than 50 percent of the registered voters of said
27 city prohibit the adherents from voting in an election held on

1 Saturday, and amendments to the constitution of this state
2 submitted to the voters by the legislature. This requirement does
3 not apply to runoff elections, political subdivisions using the
4 convention method of election, elections held under Chapter 467,
5 Acts of the 44th Legislature, 2nd Called Session, 1935, as amended,
6 elections for bonds and school maintenance taxes, or to the
7 biennial party primary elections held to nominate candidates for
8 public office. An election held on an unauthorized date is void. //

9 SECTION 17. Subdivision 2, Section 170b, Texas Election
10 Code, as added (Article 11.01b, Vernon's Texas Election Code), is
11 amended to read as follows:

12 *Subdiv. 2* Subdiv. 2. A person desiring to become an independent
13 candidate for president shall file with the Secretary of State, not
14 later than the second Monday in ~~September~~ [July] before the general
15 election at which his name will appear on the ballot:

16 *(1)* (1) an application to have his name and the name of an
17 eligible vice-presidential candidate as his running mate printed on
18 the ballot on a form prescribed by the Secretary of State;

19 *(2)* (2) the signed written consent of the person designated as
20 the vice-presidential candidate to have his name printed on the
21 ballot in that capacity;

22 *(3)* (3) a list of the names and addresses of persons to
23 represent the applicant as presidential elector candidates in the
24 number to be elected, together with the signed written consent of
25 each such person to become a candidate; and

26 *(4)* (4) a petition of voters signed by qualified voters of the
27 state in a number equal to not less than one percent of the entire

1 vote of the state cast for president and vice-president at the last
2 preceding presidential general election.

3 SECTION 18. Section 179, Texas Election Code (Article 13.01,
4 Vernon's Texas Election Code) is amended to read as follows:

5 179. PRIMARY ELECTION. The term "primary election," as used
6 in this chapter, means an election held by the members of an
7 organized political party for the purpose of nominating the
8 candidates of such party to be voted for at a general or special
9 election, or to nominate the county executive officers of a party.
10 "Primary election" also includes the presidential primary election
11 held under Section 235b of this code unless the context indicates
12 otherwise.

13 SECTION 19. Section 179a, Texas Election Code, as amended
14 (Article 13.01a, Vernon's Texas Election Code), is amended to read
15 as follows:

16 179a. WHO ARE MEMBERS OF ORGANIZED PARTY. (1) The members
17 of an organized political party who shall be permitted to
18 participate in its convention procedure as set forth in this code
19 shall be only those persons who have become qualified as members of
20 the party by voting in the elections of the party or have otherwise
21 qualified as provided in this section. Having once become a
22 qualified member of a party during a given party-affiliation year,
23 a person shall remain a qualified member of that party for the
24 duration of that ~~[voting]~~ year but may change party membership in a
25 succeeding party-affiliation year. "Party-affiliation year" means
26 the period beginning April 1 of each year and ending March 31 of
27 the succeeding year.

1 (2) The election and convention procedure of the party shall
2 include ~~the presidential primary election,~~ the general primary
3 election and the second primary election provided for in Section
4 181 of this code, and ~~[shall include]~~ the conventions of the party
5 at precinct, county and state level in both its state convention
6 procedure and its national convention procedure insofar as they
7 apply herein.

8 (3) Persons who have not qualified as members of a political
9 party as required by this section shall be disqualified to
10 participate in the convention procedure of the political parties
11 and shall also be disqualified to be selected or to hold the
12 position of executive committee member, precinct judge or chairman,
13 delegate to any convention of a party, national committeeman,
14 committeewoman or presidential elector of the party.

15 (4) An applicant for party affiliation shall become a
16 qualified member of a political party which is holding primary
17 elections when he has voted within that party's primary or has
18 taken part in a convention of that party prior to a primary. At
19 the head of the signature roster for each primary election there
20 shall be printed the following statement: "I swear that I have not
21 voted at a primary election or participated in a convention of any
22 other political party during this ~~party-affiliation~~ ~~[voting]~~ year."
23 The presiding judge or another election officer designated by him
24 shall place each voter under oath and require him to swear to this
25 statement before he signs the roster. The first time a voter
26 presents his voter registration certificate at a primary election,
27 the election officer shall stamp the appropriate party designation

1 within the party affiliation space on the face of the certificate.
2 If the voter is voting on a statement of a lost registration
3 certificate, the presiding judge shall issue to him a certificate
4 of his having voted, in the following form:

5 Date _____
6 _____ has voted on this date in the
7 (Name of Voter)
8 primary election of the _____ Party.

9 _____
10 Presiding Judge, Precinct No. ____,
11 _____ County, Texas.

12 When a voter votes by absentee ballot in a primary election, the
13 county clerk shall stamp the appropriate party designation on the
14 voter's registration certificate; or if the voter is voting on a
15 statement of a lost or unreturned certificate, the clerk shall
16 deliver or mail to the voter, at the time specified by law for
17 returning a registration certificate to an absentee voter, a
18 certificate of his having voted by absentee ballot in the primary.

19 (5) To become qualified to participate in any party
20 convention of a party which does not hold a primary or to become
21 qualified for party membership for any party convention held prior
22 to a primary, each voter who desires to participate in the
23 convention shall present to the precinct chairman his affidavit
24 that he has not participated in the primary or convention of any
25 other party during that party-affiliation [voting] year.
26 Thereupon, the precinct chairman shall stamp the appropriate party
27 designation on the voter's registration certificate if the voter

1 presents it, and if the registration certificate is not presented,
2 the chairman shall issue to the voter a certificate in the
3 following form:

4 Date _____
5 _____ has affiliated with the
6 (Name of Voter)
7 _____ Party for the current
8 party-affiliation year.

9 _____
10 Precinct Chairman, Precinct No.____,
11 _____County, Texas.

12 Each precinct chairman is authorized to administer the oath
13 required by this subsection. Within 10 days after the precinct
14 convention, he shall arrange the affidavits in alphabetical order
15 and deliver them to the county clerk. If he receives an affidavit
16 after the date of the precinct convention, he shall deliver it to
17 the county clerk within 10 days after he receives it. The county
18 clerk shall keep the affidavits on file in alphabetical order
19 within each precinct for a period of two years after the end of the
20 voting year in which they are filed. The county clerk shall
21 maintain a separate file for each political party.

22 (6) A voter registration certificate which has been stamped
23 with a party designation, a certificate of having voted in a
24 primary election, or a certificate of party affiliation issued by a
25 precinct chairman, all as provided in this section, shall serve as
26 evidence that the person whose name appears on the certificate is
27 affiliated with the party designated on the certificate and is

1 therefore eligible to participate in that party's conventions.

2 (7) No person who participates in a [the] primary or
3 convention of any political party during a party-affiliation
4 ~~[voting]~~ year shall participate in any ~~[subsequent]~~ primary or
5 convention of any other party during that same ~~[voting]~~ year. Any
6 vote cast in a primary election in violation of this prohibition
7 shall be void and shall not be counted for any purpose, and the
8 violator shall be punishable as provided in Section 349 of this
9 code (Article 15.49, Vernon's Texas Election Code), as amended
10 ~~[Article 240 of the Texas Penal Code]~~.

11 (8) Any person who participates or attempts to participate
12 in a party convention held by a political party on a certification
13 of qualifications other than one prescribed in this section shall
14 be guilty of a misdemeanor and upon conviction shall be fined not
15 to exceed one thousand dollars.

16 SECTION 20. Subsection (d), Section 186, Texas Election
17 Code, as amended (Article 13.08, Vernon's Texas Election Code), is
18 amended to read as follows:

19 (d) In lieu of the payment of a filing fee, a candidate may
20 file a nominating petition which may be in multiple parts and must
21 be signed by the qualified voters eligible to vote for the office
22 for which the candidate is running as follows:

23 For statewide office, 5,000 signatures.

24 For district, county, precinct, or other political
25 subdivisions, equal in number to at least two percent of the number
26 of votes cast in the territory for that party's candidate for
27 governor in the last preceding gubernatorial general election.

1 However, in no event shall the number required be more than 500;
2 and if two percent of the votes cast in the territory was less than
3 25, the number required is the lesser of 25 signatures or 10
4 percent of the number of votes cast.

5 Where a candidate is running in a district, county, or
6 precinct which has been created or the boundaries of which have
7 been changed since the last gubernatorial general election, he may
8 request that the secretary of state in the case of a district or
9 county office, or the county clerk of the county in which the
10 precinct is situated in the case of a precinct office, make an
11 estimate in advance of the filing deadline of the number of votes
12 cast for that party's candidate for governor within that territory
13 at the last gubernatorial election. Not later than the 15th day
14 after receiving such a request, the officer shall make the estimate
15 and notify the candidate, and also the officer with whom the
16 candidate files his application. The estimate shall be used as the
17 official basis for computing the number of signatures required on a
18 petition. If an advance estimate is not requested, the officer
19 with whom the petition is filed shall make the estimate, whenever
20 necessary, before he acts on the sufficiency of the petition. In
21 every instance, the candidate may challenge the accuracy of the
22 estimate, and if he is dissatisfied with the final decision of the
23 officer he may appeal the decision to any district court having
24 jurisdiction in the territory involved.

25 The following statement shall appear at the head of each page
26 of the petition: "I know the contents of this petition. I am a
27 qualified voter eligible to vote in the forthcoming primary

1 election of the (fill in name) Party for the office for which (fill
2 in name) is a candidate. I have not signed the petition of a
3 candidate who is running for any office the primary of any other
4 party. I understand that by signing this petition I become
5 ineligible to affiliate with any other party or to participate in
6 the primary elections, conventions, or other party affairs of any
7 other party, including a party which is not holding a primary
8 election, during the ~~party-affiliation~~ [voting] year in which this
9 election is held, and that I am guilty of a misdemeanor if I
10 attempt to do so."

11 To each part of the petition shall be attached an affidavit
12 of the person who circulated it, stating that he called each
13 signer's attention to the statement and read it to him before the
14 signer affixed his signature to the petition, and further stating
15 that he witnessed the affixing of each signature, that the correct
16 date of signing is shown on the petition, and that to the best of
17 his knowledge and belief each signature is the genuine signature of
18 the person whose name is signed. A petition so verified is prima
19 facie evidence that the signatures thereon are genuine and the
20 persons signing it are registered voters.

21 The petition must show the following information with respect
22 to each signer: His address (including his street address if
23 residing in a city, and his rural route address if not residing in
24 a city), his current voter registration certificate number (also
25 showing the county of issuance if the office includes more than one
26 county), and the date of signing. The secretary of state shall
27 prescribe a form for the petition before the 30th day prior to the

1 filing deadline and provide copies of that form to the state
2 chairman and the county chairmen of each party holding a primary
3 election. However, a candidate may use any other form which
4 complies with the requirements of this section. It is the specific
5 intent of the legislature that there shall be no requirement for
6 the administering of an oath to any person signing a petition under
7 the provisions of this section.

8 ⁰⁰ A petition filed under this section shall be filed with the
9 same officer with whom an application for a place on the ballot for
10 the office being sought is to be filed and must be filed at the
11 same time as such an application. ⁰⁰

12 SECTION 21. Subsection (b), Subdivision 2, Section 222,
13 Texas Election Code, as amended (Article 13.45, Vernon's Texas
14 Election Code), is amended to read as follows:

15 ⁰⁰ (b) The following statement shall appear at the head of each
16 page of the petition: "I know the contents of this petition,
17 requesting that the names of the nominees of the _____ Party be
18 printed on the ballot for the next general election. I am a
19 qualified voter at the next general election under the constitution
20 and laws in force, and during the current party-affiliation
21 ~~[voting]~~ year I have not voted in any primary election or
22 participated in any convention held by any other political party,
23 and I will not vote in a primary election or participate in a
24 convention of any other party during the remainder of this
25 party-affiliation ~~[voting]~~ year." The petition may be in multiple
26 parts. To each part of the petition shall be attached an affidavit
27 of the person who circulated it, stating that he called each

1 signer's attention to the statement and read it to him before the
2 signer affixed his signature to the petition, and further stating
3 that he witnessed the affixing of each signature, that the correct
4 date of signing is shown on the petition, and that to the best of
5 his knowledge and belief each signature is the genuine signature of
6 the person whose name is signed. A petition so verified is prima
7 facie evidence that the signatures thereon are genuine and the
8 persons signing it are registered voters. The petition may not be
9 circulated for signatures until after the date of the party's
10 precinct conventions. Any signatures obtained on or before that
11 date are void. //

12 SECTION 22. Section 189a, Texas Election Code, as added
13 (Article 13.11a, Vernon's Texas Election Code), is amended to read
14 as follows:

15 // 189a. INELIGIBILITY TO BECOME OPPOSING CANDIDATE. Any
16 person who has participated as a voter or as a candidate in either
17 the ~~general~~ [first] primary election or the runoff primary election
18 of a political party shall be ineligible to have his name printed
19 on the ballot at the succeeding general or special election as an
20 independent candidate for any office for which a nomination was
21 made by such party at either such primary election, and shall be
22 ineligible to have his name printed on the ballot as the nominee of
23 any other party for any office to be voted on at the general or
24 special election. //

25 SECTION 23. Section 349, Texas Election Code, as added
26 (Article 15.49, Vernon's Texas Election Code), is amended to read
27 as follows:

349. PARTICIPATING IN PRIMARY ELECTIONS OR CONVENTIONS OF MORE THAN ONE PARTY. Whoever votes or offers to vote at either a general primary election or a runoff primary election or participates or offers to participate in a convention of a political party, having voted at either a general primary election or a runoff primary election or participated in a convention of any other party during the same ~~party-affiliation~~ [voting] year, shall be guilty of a Class A misdemeanor.

SECTION 24. Subdivisions 1 and 2, Section 46a, Texas Election Code, as amended (Article 5.14a, Vernon's Texas Election Code), are amended to read as follows:

Subdiv. 1. REGISTRATION CERTIFICATE FORMS. (a) The form for a voter registration certificate shall be prescribed by the Secretary of State. He may prescribe one or more forms for use in counties using electronic data processing methods for issuing certificates and a different form for use in counties not using those methods. A certificate form prescribed by the Secretary of State shall be valid for use only during a two-year period, such two-year period to begin on ~~April~~ [March] 1 of even-numbered years, unless rescinded by the Secretary of State.

(b) The registration certificates for each county may be numbered or labeled in any manner which will enable the registrar to efficiently and accurately maintain the voter registration rolls. However, the Secretary of State may establish a standardized numbering or labeling system and require its adoption by the various counties.

Subdiv. 2. ISSUANCE OF CERTIFICATES. (a) When a properly

1 executed application is received by the registrar, he shall make
2 out an initial registration certificate in duplicate and shall mail
3 the original copy to the voter at his regular mailing address, or
4 if none, at his permanent residence address, in time for him to
5 receive it before his registration becomes effective. The
6 registrar may also deliver the original copy to the voter
7 personally, or to an agent making the application under Section 45a
8 of this code (Article 5.13a, Vernon's Texas Election Code). The
9 duplicate copy shall be retained by the registrar. At the time he
10 prepares the initial registration certificate, the registrar shall
11 enter the certificate number in an appropriate space on the voter's
12 application for registration.

13 00 (b) Between December [~~November~~] 1 and December [~~November~~] 15
14 of each year in which no general election is held, beginning in
15 1977, the registrar shall prepare and mail to each registered voter
16 in the county as of the preceding November 30 [~~October 31~~] a
17 registration certificate for use during the succeeding two voting
18 years. The certificate shall be mailed to the permanent residence
19 address shown on the voter's registration application; or, if
20 provided, the mailing address. It shall not be sent in the same
21 envelope as the voter's tax statement. Attached to or made a part
22 of the registration certificate shall be adequate space for the
23 voter to insert any change of information other than that printed
24 on the certificate. If the voter has noted such changes, the
25 notice shall be signed and affirmed by the voter and returned to
26 the registrar for correction of the records and issuance of a
27 corrected certificate to the voter.

1 The registration certificate or envelope containing the
2 certificate shall be marked with a direction to the postal
3 authorities not to forward it to any other address and to return it
4 to the registrar if the addressee is no longer at that address. In
5 the event the certificate is returned, the registrar shall cancel
6 the voter's registration. The registrar shall maintain a list of
7 all returned and cancelled registration certificates showing the
8 name, address, birth date, and registration number of the person to
9 whom the certificate was issued. The list shall be kept in the
10 registrar's office and shall be open to public inspection at all
11 times during regular office hours of the registrar, subject to
12 reasonable regulations and to proper safeguards against
13 alterations, mutilation, or removal. The registrar shall furnish a
14 copy of such list to any person requesting it and shall be
15 permitted to charge One Dollar (\$1) for each 10,000 names contained
16 on the list, to be paid by the person so ordering such list. Any
17 money collected pursuant to this subdivision shall be accounted for
18 as official fees of office.

19 Prior to the succeeding ~~February~~ ^{January} 15, the registrar
20 shall send to the Secretary of State a list of all the persons,
21 along with all corresponding information available and required by
22 the Secretary of State, whose registration certificates were
23 cancelled as a result of the provisions of this section. Such list
24 shall be in computer readable form. The Secretary of State shall
25 furnish a copy of such list to any person requesting it and shall
26 be permitted to charge One Dollar (\$1) for each 10,000 names
27 contained on the list, to be paid by the person so ordering such

1 list. Funds collected by the Secretary of State pursuant to this
2 subdivision shall be used by the Secretary of State to defray any
3 expenses incurred in the preparation of such list.

4 Any person who uses information obtained under this
5 subdivision for any purpose other than informing voters about
6 candidates for public offices or public issues or for voter
7 registration purposes is guilty of a Class A misdemeanor.

8 (c) Each voter whose registration becomes effective after
9 November 30 [~~October 31~~] of an odd-numbered year, beginning with
10 1977, but before the following April [~~March~~] 1 shall be issued an
11 initial certificate valid for the remainder of that voting year and
12 a certificate valid for use during the two-year period beginning
13 the following April [~~March~~] 1.

14 (d) A registrar of voters who knowingly issues, mails, or
15 delivers a registration certificate to a person other than the
16 applicant therefor or his lawful agent as provided in Section 45a
17 of this code (Article 5.13a, Vernon's Texas Election Code), is
18 guilty of a felony of the third degree.

19 (e) Any person whose registration is cancelled under the
20 provision of this section shall be required to reregister in the
21 same manner as an initial registrant. The secretary of state shall
22 prescribe forms for the various documents required by this section.

23 SECTION 25. Subdivision 3, Section 47b, Texas Election Code,
24 as amended (Article 5.15b, Vernon's Texas Election Code), is
25 amended to read as follows:

26 Subdiv. 3. Each April [~~March~~] 1 and October [~~September~~] 1
27 the secretary of state shall prepare a copy of the master state

1 voter file on magnetic tape, which shall include each voter's
2 county, voting precinct number, name, permanent residence address,
3 mailing address if any, sex, year of birth, and registration
4 number. It shall not include any voter's social security number or
5 telephone number. The secretary of state shall furnish a copy of
6 this tape to any person requesting it. Each person requesting a
7 copy shall submit an affidavit that the information obtained will
8 be used only for the purpose of informing voters about candidates
9 for public office or about public issues, and will not be used to
10 advertise or promote commercial products or services. The
11 secretary of state shall provide the copy within 15 days of the
12 date on which he receives the request. He shall exact a uniform
13 charge against each person to whom he furnishes a copy of the tape.
14 The charge shall not be greater than an amount deemed sufficient to
15 reasonably reimburse the secretary of state for his actual expense
16 in furnishing the copy, and in any event shall not exceed five
17 cents per hundred names furnished. //

18 SECTION 26. Subdivisions 3a and 6, Section 48a, Texas
19 Election Code, as amended (Article 5.16a, Vernon's Texas Election
20 Code), are amended to read as follows:

21 ^{section} Subdiv. 3a. CANCELLED VOTER REGISTRATION CERTIFICATE. For
22 elections held between April [~~March~~] 1 and no later than July 31
23 [~~June 30~~] in even-numbered years, where a voter's name is not shown
24 on the precinct list of registered voters but does appear on the
25 precinct list of cancelled voter registration certificates, the
26 election officer shall permit such voter to cast a ballot, provided
27 such voter submits a completed voter registration application to

1 the election officer and an affidavit that he still resides within
2 the county for county administered and primary elections or within
3 the municipality or other political subdivision if administered by
4 such authority. In the event the runoff primary election occurs
5 within 29 days after the date of the general primary, the voter may
6 vote at the election under the procedure outlined in this
7 subdivision, except that the voter shall inform the presiding judge
8 that he voted under this procedure at a previous election, and the
9 presiding judge shall note that fact on the application. When the
10 registrar receives such an application, he shall attach it to the
11 application previously received.

12 ⁸⁹ All affidavits required by this subdivision shall contain the
13 content and be in the form prescribed by the Secretary of State.
14 The date on which the election officer accepts an application is
15 considered to be the date on which the registrar receives it, and
16 the registration becomes effective for voting in other elections on
17 the 30th day after that date. ⁰⁰

18 ⁰⁰ Subdiv. ²²⁶⁰⁰ 6. REPLACEMENT OF LOST CERTIFICATE. (a) If a voter
19 to whom a registration certificate has been issued presents to the
20 registrar his signed statement that the certificate has been lost
21 or destroyed, the registrar shall issue to the voter a replacement
22 certificate as a single-copy document, showing the same
23 registration number and the same information as shown on the
24 original certificate. The registrar shall make a notation on the
25 face of the certificate showing it to be a replacement. He shall
26 attach the statement to the voter's application.

27 ⁰³ A person who states in a request for a replacement

1 certificate that his registration certificate has been lost or
2 destroyed, knowing the statement to be false, is guilty of a Class
3 A misdemeanor.

4 (b) A replacement certificate issued after November 30
5 [~~October 31~~] in an odd-numbered year shall be valid for use during
6 the two-year period beginning on the following April [~~March~~] 1.
7 But it shall bear a notation that it may be used beginning on the
8 date of issuance, except that a corrected replacement certificate
9 shall be dated for use beginning on the 30th day following receipt
10 by the registrar of the voter's old certificate or statement of
11 loss.

12 SECTION 27. Subdivisions 1 and 2, Section 51b, Texas
13 Election Code, as amended (Article 5.19b, Vernon's Texas Election
14 Code), are amended to read as follows:

15 Subdiv. 1. Before May [~~April~~] 1 of each year, the registrar
16 shall submit to the Comptroller of Public Accounts a certified
17 statement of the total number of new registrants, together with the
18 total number of registration certificates which were cancelled
19 under the provisions of Section 50a of this code (Article 5.18a,
20 Vernon's Texas Election Code), during the 12-month period ending
21 March [~~February~~] 1 of the year in which the statement is submitted.
22 Before May [~~April~~] 1 of each even-numbered year, the registrar
23 shall include, in addition to the above statement, a certified
24 statement of the total number of registered voters shown on the
25 precinct registration lists as of April [~~March~~] 1 of that year.

26 Subdiv. 2. Before July [~~June~~] 1 of the year in which the
27 statement is submitted, the Comptroller shall issue a warrant to

1 each county in the aggregate of the following amounts:

2 (1) 40 cents multiplied by the total number of new
3 registrants, and

4 (2) 40 cents multiplied by the number of voter registration
5 certificates cancelled under the provisions of Section 50a of this
6 code (Article 5.18a, Vernon's Texas Election Code), as shown by the
7 certified statement required by Subdivision 1 of this section, and

8 (3) when the total number of registered voters is supplied
9 in accordance with Subdivision 1 of this section, 40 cents
10 multiplied by the difference between the total number of registered
11 voters and the total number of new registrants under this Act
12 during the two 12-month periods prior to the statement in each
13 county. However, before issuing a warrant the Comptroller may
14 require additional proof to substantiate the certified statement.

15 SECTION 28. Section 53a, Texas Election Code, as amended
16 (Article 5.21a, Vernon's Texas Election Code), is amended to read
17 as follows:

18 Sec. 53a. STATEMENT OF REGISTRATIONS. On or before April
19 [~~March~~] 5 of each year, the registrar shall make a statement to the
20 secretary of state of the number of registered voters in each
21 precinct as shown by the list of registered voters on April [~~March~~]
22 1, and the secretary of state shall file the statement as a record
23 of his office. The registrar shall also file a copy of the
24 statement as a record of his office.

25 SECTION 29. Subdivision 5, Section 56a, Texas Election Code,
26 as amended (Article 5.24a, Vernon's Texas Election Code), is
27 amended to read as follows:

1 ⁱⁿ Subdiv 5. TERM OF OFFICE. The initial appointment of the
2 county elections administrator shall be until the beginning of the
3 first regular term thereafter. The regular term of office for the
4 administrator is for a period of two years beginning on April
5 ~~[March]~~ 1 in each odd-numbered year. Between February ~~[January]~~ 1
6 and February ~~[January]~~ 15 preceding the expiration of the term, the
7 chairman of the county elections commission shall call a meeting of
8 the commission for the purpose of making an appointment for the
9 succeeding term. Any vacancy in the office shall be filled by the
10 commission for the remainder of the unexpired term. The
11 administrator may be removed from office in the same manner and on
12 the same grounds as provided by general law for removal of county
13 officers or as provided for under paragraph (c) of Subdivision 2 of
14 this section. ⁰⁰

15 SECTION 30. The importance of this legislation and the
16 crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the
18 constitutional rule requiring bills to be read on three several
19 days in each house be suspended, and this rule is hereby suspended.

By: Ogg

S.B. No. 602

(In the Senate - Filed February 15, 1979; February 15, 1979, read first time and referred to Committee on State Affairs; March 6, 1979, reported favorably, as amended; March 6, 1979, sent to printer.)

COMMITTEE AMENDMENT NO. 1

By: Ogg

Amend Senate Bill No. 602, page 3, line 23, by striking the "second" that appears before "Tuesday" and substituting "first".

COMMITTEE AMENDMENT NO. 2

By: Ogg

Amend Senate Bill No. 602, page 18, line 35, by striking "July" and substituting "August".

COMMITTEE AMENDMENT NO. 3

By: Ogg

Amend Senate Bill No. 602, page 6, line 46, by striking "first" and substituting "second".

COMMITTEE AMENDMENT NO. 4

By: Ogg

Amend Senate Bill No. 602 as follows:

1. Strike Subsection (b) on page 2, beginning at line 10, and redesignate Subsections (c) and (d) on page 2 as Subsections (b) and (c).

2. Redesignate Subdivisions 7 through 11 on pages 2 and 3 as Subdivisions 8 through 12 and insert a new Subdivision 7 to read as follows:

"Subdivision 7. FILING APPLICATION FOR PLACE ON BALLOT: CERTIFICATION OF CANDIDATES. (a) Applications for a place on the presidential primary ballot shall be filed with the state chairman of the appropriate political party not later than 6 p.m. on the third Monday in January of a presidential election year.

"(b) Not later than 14 days after the filing deadline prescribed by Subsection (a) of this subdivision, the state chairman shall certify to each county chairman the names of the candidates who qualify under the party's rules for a place on the ballot and notify the Secretary of State of those names."

A BILL TO BE ENTITLED
AN ACT

relating to the selection of delegates to national nominating conventions and party nominees for public office.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Texas Election Code is amended by adding Section 235b to read as follows:

"235b. PRESIDENTIAL PRIMARY: SELECTION OF DELEGATES TO NATIONAL NOMINATING CONVENTION OF PARTIES HOLDING PRIMARIES

"Subdivision 1. 'PRESIDENTIAL PRIMARY' DEFINED. 'Presidential primary' means a primary election held to select delegates to a national presidential nominating convention of a political party.

"Subdivision 2. PARTIES REQUIRED TO HOLD PRESIDENTIAL PRIMARY. A political party shall hold a presidential primary in this state if:

"(1) in a presidential election year the party is required by this code to use the primary election process to nominate candidates for state and county offices; and

"(2) the party is authorized by national party rules to hold a presidential primary.

"Subdivision 3. PARTIES AUTHORIZED TO HOLD PRESIDENTIAL PRIMARY. A political party is authorized (but not required) to hold a presidential primary in this state if:

"(1) in a presidential election year the party is authorized (but not required) to use the primary election process to nominate candidates for state and county offices; and

"(2) the party is authorized by national party rules to hold a presidential primary.

"Subdivision 4. DATE OF PRIMARY. The presidential primary shall be held on the second Tuesday in March of a presidential

1 election year.

2 "Subdivision 5. EXPENSES OF PRIMARY. To the extent
3 practicable, the expenses of the presidential primary shall be paid
4 in the same manner as the expenses of the general primary election.

5 "Subdivision 6. MANNER OF QUALIFYING FOR PLACE ON BALLOT.
6 (a) Candidates qualify to have their names placed on the
7 presidential primary ballot (whether as delegate candidates or as
8 presidential candidates) in the manner prescribed by state and
9 national party rules, subject to this subdivision.

10 "(b) Not later than the 45th day before presidential primary
11 election day, the state chairman of each political party holding a
12 presidential primary shall notify the secretary of state of the
13 name of each person qualifying under the party's rules to be listed
14 on the presidential primary ballot.

15 "(c) To be valid, a signature on a petition to qualify a
16 candidate for a place on the ballot must be that of a registered
17 voter and must be accompanied by the address, including county, and
18 the voter registration number of the signer. A person may not sign
19 petitions supporting more than one presidential candidate or
20 supporting delegates for more than one presidential candidate, and
21 if a person does so, the person's signature is void as to all
22 petitions the person signs.

23 "(d) The secretary of state shall prescribe the form for the
24 applications and petitions to be used to qualify for placement on
25 the ballot.

26 "Subdivision 7. PRESIDENTIAL PRIMARY BALLOT FORM. (a) The
27 presidential primary ballot shall contain the heading:
28 'Presidential Primary Ballot for the _____ Party.'

29 "(b) The form of the ballot shall conform to the rules
30 prescribed by this code for ballots in elections generally to the
31 extent those rules can be made applicable.

32 "Subdivision 8. SELECTION OF NATIONAL DELEGATES; ALLOCATION;
33 PLEDGES. (a) Except as otherwise provided by this section, the
34 process for selection of delegates to a party's national
35 presidential nominating convention (including the percent of the
36 delegation to be chosen on the basis of the results of the
37 presidential primary, the character of the election districts from
38 which delegates are elected, and the number and character of
39 at-large delegates), the method of allocating delegates among
40 presidential candidates and uncommitted status, and the conditions
41 under which delegates are pledged to presidential candidates shall
42 be as prescribed by state and national party rules.

43 "(b) Those national delegates and alternates that are not
44 selected through the presidential primary election process shall be
45 selected by the state executive committee of the party in
46 accordance with state and national party rules.

47 "Subdivision 9. IMPLEMENTATION BY PARTY. (a) The state
48 executive committee of each political party holding a presidential
49 primary in this state shall adopt the party rules necessary to
50 implement this section.

51 "(b) The committee shall file the rules with the secretary
52 of state before January 5 of the presidential election year in
53 which the primary is to be held.

54 "(c) The committee may amend the rules from time to time,
55 but a change made in a presidential election year that affects the
56 selection of delegates to the national presidential nominating
57 convention may not take effect until after the presidential
58 election year.

59 "Subdivision 10. PROCEDURES FOR CONDUCT OF PRESIDENTIAL
60 PRIMARY GENERALLY. (a) Except as otherwise provided by this
61 section, the presidential primary shall be conducted and the
62 results canvassed in accordance with the procedures prescribed by
63 this code for conducting the general primary election to the extent
64 those procedures can be made applicable.

65 "(b) The secretary of state by directive shall prescribe any
66 additional procedures necessary for the orderly and honest conduct
67 of the presidential primary election.

68 "Subdivision 11. NONBINDING PRESIDENTIAL REFERENDUM. (a)
69 In a presidential election year, state funds may not be spent to
70 finance an election in which a nonbinding presidential referendum

1 is conducted.

2 "(b) 'Nonbinding presidential referendum' means an election
 3 in which voters are given an opportunity to express a preference
 4 for presidential candidates but in which the result is not a
 5 mandatory factor in selecting delegates to a national presidential
 6 nominating convention of a political party."

7 SECTION 2. Section 181, Texas Election Code, as amended
 8 (Article 13.03, Vernon's Texas Election Code), is amended to read
 9 as follows:

10 "181. DATE OF GENERAL AND SECOND PRIMARY. The first Tuesday
 11 after the second Monday in July, 1980 [Saturday in May of 1960],
 12 and every two (2) years thereafter shall be general primary
 13 election day, and primary elections to nominate candidates for a
 14 general election shall be held on no other day, except when
 15 specially authorized. No person shall be declared the nominee of
 16 any political party at any primary election for any office unless
 17 he has complied with every requirement of all laws applicable to
 18 primary and other elections, and has received a majority of all the
 19 votes cast at such primary elections for all candidates for such
 20 office. If at the general primary election for any political
 21 party, no candidate becomes the nominee for any office under this
 22 section [Article], a second primary election shall be held by such
 23 political party on the second Tuesday after the second Monday in
 24 August [first Saturday in June] succeeding such general primary
 25 election, and only the names [name] of the two (2) candidates who
 26 received the highest number of votes for any office for which
 27 nomination was made at the general election shall be placed on the
 28 official ballot as candidates for such office at such second
 29 primary, except as herein stated, provided that in case no one
 30 received a majority in the first primary and if the second and
 31 third highest candidates in that race shall be tied these two (2)
 32 shall cast lots under the direction of the county chairman or state
 33 chairman as the case may be to see which of the two (2) shall have
 34 his name printed on the second primary ballots. The second primary
 35 election shall be conducted according to the law prescribed for
 36 conducting the general primary election and the candidates
 37 receiving a majority of all votes cast for the office to which they
 38 aspire shall be declared the nominee for their respective offices.
 39 Nominations of candidates to be voted for at any special election
 40 shall be made at a primary election at such time as the party
 41 executive committee shall determine, but no such committee shall
 42 ever have the power to make such nominations, except where provided
 43 for by law. All precincts in the same county and all counties in
 44 the same district shall vote on the same day. Nominations of party
 45 candidates for offices to be filled in a city or town shall be made
 46 not less than thirty (30) days prior to the city or town election
 47 at which they are to be chosen, in such manner as the party
 48 executive committee for such city or town shall direct, and all
 49 laws prescribing the method for conducting county primary elections
 50 shall apply to them."

51 SECTION 3. Subsections (c), (h), and (i), Section 190, Texas
 52 Election Code, as amended (Article 13.12, Vernon's Texas Election
 53 Code), are amended to read as follows:

54 "(c) The application shall be filed with the state chairman
 55 in the case of all statewide offices and all district offices which
 56 are filled by the choice of voters residing in more than one
 57 county. It shall be filed with the county chairman of the
 58 particular county in the case of county and precinct offices and
 59 district offices which are filled by the choice of voters residing
 60 in only one county or less than one county. Except as provided in
 61 Subsection (d) of this section, the application shall be filed not
 62 later than 6 p.m. on the first Monday in April [February] preceding
 63 such primary."

64 "(h) Within ten days after the filing deadline stated in
 65 Subsection (c) of this section [first Monday in February], the
 66 state chairman shall file with the Secretary of State, and each
 67 county chairman shall file with the county clerk of his county a
 68 list of the names of all candidates, arranged by office for which
 69 nomination is sought, whose applications have been timely received.
 70 In like manner each chairman shall file, within three days after

any extended filing deadline under Subsection (d) of this section, a supplemental list of candidates whose applications were timely received after the original list was prepared. Each county chairman shall forward to the chairman of the state executive committee a copy of each list which he files with the county clerk.

"(1) On the fourth [~~second~~] Monday in April [~~March~~] preceding each general primary, the state committee shall meet at some place to be designated by its chairman, who shall not less than three days prior to such meeting notify by mail all members of the committee and all persons whose names have been requested to be placed upon the official ballot of such designation. Such committee at this meeting by resolution shall direct their chairman to certify to each county chairman the names of such candidates as shown by the applications received by him. Copies of such certificates shall be immediately furnished to each newspaper in the state desiring to publish same, and one copy shall at once be mailed to the chairman of the executive committee of each county."

SECTION 4. Section 192, Texas Election Code, as amended (Article 13.14, Vernon's Texas Election Code), is amended to read as follows:

"192. PRIMARY COMMITTEE. Subject to the approval of the committee, the county chairman shall appoint a subcommittee of five (5) members to be known as the primary committee, of which he shall be ex-officio chairman. This subcommittee shall meet on the second day after the meeting of the county executive committee provided for in Section 195 of this code (Article 13.17, Vernon's Texas Election Code) [~~fourth Monday in March~~] and make up the official ballot for such general primary in such county, in accordance with the certificate [~~certificates~~] of the state [~~State and district~~] chairman and the applications for a place on the ballot [~~request~~] filed with the county chairman, and place the names of the candidates for nomination for State, district, county, and precinct offices thereon in the order determined by the county executive committee [~~as herein provided~~]."

SECTION 5. Subsection (a), Section 195, Texas Election Code, as amended (Article 13.17, Vernon's Texas Election Code), is amended to read as follows:

"(a) The various county committees of any political party, on the first [~~third~~] Monday in May [~~March~~] preceding each general primary, shall meet at the county seat and determine by lot, in open meeting, the order in which the names of all candidates for all offices, including statewide races, requested to be printed on the official general primary ballot shall be printed thereon."

SECTION 6. Section 196a, Texas Election Code, as amended (Article 13.18a, Vernon's Texas Election Code), is amended to read as follows:

"196a. DISTRICT AND PRECINCT EXECUTIVE COMMITTEES

"Subdivision 1. [(1)] For a district composed of more than one county or part thereof, the county chairman of each county wholly within the district shall be ex officio a member of the district executive committee for each such district of which his county is a part. When a part of a county is joined with one or more other counties or parts of counties to form a district, before [~~at a meeting of the county executive committee on the second Monday in February preceding~~] each general primary election, the precinct chairmen of the election precincts included within such part of the county shall elect one of their number to serve as district committeeman. The election of the district committeeman shall be conducted at the meeting of the county executive committee held under Subsection (a), Section 195 of this code (Article 13.17, Vernon's Texas Election Code). A [~~and a~~] district committeeman shall be selected in this manner for each type of district and for each district for which any part of the county less than the whole county is joined with territory in another county or counties. The district committee thus formed shall elect its own chairman. Whenever a vacancy occurs in a district office and the district committee is empowered to name a nominee or a substitute nominee, or whenever for any other reason it becomes necessary for the district committee to meet and organize, the chairman of the state executive committee shall call a meeting of the district committee

by giving notice to each member of the time and place where such meeting will be held and of the purpose of the meeting. The state chairman shall designate one member as temporary chairman, who shall call the meeting to order and preside until the committee elects its own chairman. The chairman elected by the committee shall continue to act as chairman during the remainder of that term of office, and shall call any subsequent meetings of the committee which are held during that time.

"Subdivision 2. [(2)] For a district composed of only one county, the county executive committee shall constitute the district executive committee for that district, and the county chairman shall be chairman of the district executive committee.

"Subdivision 3. [(3)] For a district composed of only a part of one county, the precinct chairmen of the election precincts included within the district shall constitute the district executive committee. At the meeting of the county executive committee specified in Subdivision 1 of this section ~~(on the second Monday in February preceding each general primary election)~~, the precinct chairmen within the district shall elect one of their number to serve as chairman of the district executive committee; and a chairman shall be selected in this manner for each type of district and for each district composed of only a part of the county.

"Subdivision 4. [(4)] Within three days after the aforesaid meeting of the county executive committee, the county chairman shall forward to the state chairman the names of the district committeemen and of the chairmen of the district committees who were selected at the meeting.

"Subdivision 5. [(5)] At this same meeting of the county committee, the precinct chairmen in each commissioners precinct and justice precinct shall select one of their number to serve as chairman of the precinct executive committee for each respective commissioners precinct and justice precinct. The precinct chairmen of the election precincts within the commissioners precinct or justice precinct shall constitute the precinct committee."

SECTION 7. Section 205, Texas Election Code, as amended (Article 13.27, Vernon's Texas Election Code), is amended to read as follows:

"205. CANVASS BY STATE EXECUTIVE COMMITTEE

"Subdivision 1. [(a)] The chairman of the executive committee for each county shall immediately prepare, within twenty-four hours after the vote in the primary election has been canvassed by the county executive committee as provided in Section 202 of this code (Article 13.24, Vernon's Texas Election Code), a tabulated statement of the votes cast in his county for each candidate for each nomination for a state, district, county, or precinct office, and of those cast for county chairman and precinct chairman, and within that twenty-four-hour period mail such statement as to a state or district office, in a sealed envelope by registered or certified letter to the chairman of the state executive committee, who shall present the same to the state executive committee as herein provided.

"Subdivision 2. [(b)] On the second Tuesday following the day of the general primary ~~(in May)~~, the state executive committee shall meet at a place selected at the meeting provided for in Section 190 of this code (Article 13.12, Vernon's Texas Election Code) ~~(held on the second Monday in March preceding)~~, and shall open and canvass the returns of the election as to candidates for state and district offices, as certified by the various county chairmen, and shall prepare a tabulated statement showing the number of votes received by each such candidate in each county, which statement shall be approved by the state committee and certified by its chairman. In the event any candidate for a state or district office received in the general primary the necessary vote to nominate, within five ~~(twenty)~~ days after the canvass the chairman of the state executive committee shall certify the name of such candidate to the Secretary of State, to be printed upon the official ballot for the general election as a candidate of the party for the office to which he was nominated. If such returns show that for any state or district office no candidate received a

majority of all the votes cast for all candidates for such office, the committee shall prepare a list of the two candidates receiving the highest vote for each office for which no candidate received a majority and shall certify the names of the candidates [same] to the county chairmen of the several counties to be placed upon the official ballot as candidates for office at the second primary election [~~to be held on the first Saturday in June thereafter~~].

"Subdivision 3. [~~(c)~~] Not later than the second Monday after the second primary election [~~third Saturday in June of each election year~~], the state executive committee shall meet at the call of the chairman fixing the date of the meeting, at a place selected at the meeting held under Subdivision 2 of this section [~~on the second Tuesday following the day of the general primary~~], and shall open and canvass the returns of the second primary election as to candidates for state and district offices as certified by the various county chairmen to the state chairman, and shall prepare a tabulated statement showing the number of votes received by each such candidate in each county, which statement shall be approved by the state committee and certified by its chairman. Not later than the following day [~~within twenty days thereafter~~], the chairman of the state executive committee shall certify to the Secretary of State [~~the~~] the names of the [~~district~~] candidates receiving the highest vote, to be placed on the general election ballot.

"Subdivision 4. The state executive committee at its meeting held under Subdivision 2 of this section may provide by written resolution that the canvass of the second primary shall be made by a subcommittee composed of the state chairman and four other members of the state committee selected by the committee and named in the resolution. Three members of the subcommittee constitute a quorum for making the canvass.

"Subdivision 5. At the same time that the state chairman certifies the names of the nominees to the Secretary of State following each canvass, he [~~(c)~~ within twenty days after the date of each canvass, the chairman of the state executive committee] shall also forward a copy of the tabulated statement prepared by the committee to the Secretary of State, who shall file such statement in the records of his office."

SECTION 8. Section 212, Texas Election Code, as amended (Article 13.34, Vernon's Texas Election Code), is amended to read as follows:

"212. PRECINCT, COUNTY, AND SENATORIAL DISTRICT CONVENTIONS

"Subdivision 1. The delegates to the state convention provided for in Section 216 of this code (Article 13.38, Vernon's Texas Election Code) shall be selected at county conventions and senatorial district conventions held on the first Saturday after the general primary election day, composed of delegates selected at precinct conventions held on the general primary election day. The hour and place for holding the precinct, county, and senatorial district conventions shall be determined at the meeting of the county executive committee provided for in Section 195 of this code (Article 13.17, Vernon's Texas Election Code), in the manner provided in Subdivision 6 of this section.

"Subdivision 2. A county convention shall be held in each county [~~(a)~~ on the first Saturday after the general primary election day in each election year, there shall be held in each county a county convention of each party holding primary elections]; provided, however, that [~~except as provided in the last sentence of this subsection~~] whenever the territory of a county forms all or part of more than one state senatorial district, in lieu of the county convention in such county there shall be held [~~on the day stated above~~] a convention (hereinafter called senatorial district convention) in each part of the county constituting all or part of each of such senatorial districts. Each county convention or senatorial district convention shall be composed of one delegate from each election precinct in such county or senatorial district or part thereof for each twenty-five votes, or major fraction thereof, cast for the party's candidate for Governor in such precinct at the last preceding general election for that office [~~which delegate or delegates shall be elected by~~

~~the qualified members of the party in each precinct at precinct conventions to be held on the general primary election day~~. In case at the preceding general election there were cast for such candidate for Governor less than twenty-five votes in any precinct, then ~~each~~ ~~[at]~~ such ~~precinct~~ ~~[precincts]~~ shall elect one delegate. Where the boundaries of an election precinct have been changed or a new precinct formed since the last general election ~~for Governor~~, the county executive committee shall allocate to each such precinct the number of delegates to be elected in that precinct, and may use any fair and reasonable method for making the allocation. However, notwithstanding the provisions of this ~~subdivision~~ ~~[subsection]~~, in any county which forms all or part of two senatorial districts, the less populous of which has a population of less than 50,000 persons, according to the last preceding federal census, there shall be held one county convention in lieu of the two senatorial district conventions which would otherwise be required by this ~~subdivision~~ ~~[subsection]~~.

"Subdivision 3. ~~[(b)]~~ At the meeting of the state executive committee provided for in Section 190 of this code, the committee shall set the ratio for the selection of delegates to the state conventions of that party for that ~~[election]~~ year, which ratio shall be one delegate for not less than each three hundred votes and not more than each six hundred votes cast for the party's candidate for Governor at the last preceding general election for that office in each county or in each part of a county forming all or part of a state senatorial district. ~~The~~ ~~[, and the]~~ state chairman shall notify the county chairman of each county and the temporary chairman of each senatorial district convention of the ratio set for that year's conventions within ten days after the date of such meeting. Each county convention or senatorial district convention shall elect one delegate for each such number of votes, or major fraction thereof, as set by the state committee. If at the preceding gubernatorial general election there were cast for the party's candidate for Governor in the territory represented at the convention less than the number set by the state committee, then the convention shall elect one delegate. In the state conventions each county or each part of a county which holds a senatorial district convention shall be entitled to one vote for each delegate which it is entitled to elect. ~~Those~~ ~~[The]~~ delegates ~~that~~ ~~[so elected shall be delegates for all state conventions held throughout the remainder of the year and such of them as may]~~ attend a ~~[such]~~ state convention are entitled to ~~[conventions shall]~~ cast all the votes allocated to ~~[for]~~ the territory ~~[which]~~ they represent ~~[in such conventions]~~.

"Subdivision 4. ~~[(c)]~~ The qualified members of the party in each election precinct of the county shall assemble on the date ~~for holding the precinct convention~~ ~~[named]~~ and shall be called to order by the precinct chairman, or in his absence by any qualified member of the party residing within the precinct. Before transacting any business, the precinct chairman shall cause to be made a list of all qualified members of the party present. The name of no person shall be entered upon the list nor shall he be permitted to vote, be present at, or participate in the business of the convention until it is made to appear that he is a qualified voter in the precinct, from a certified list of registered voters ~~[the qualified voters, the same as is required in conducting a general election]~~, and that he has qualified as a member of the party as provided in Section 179a of this code (Article 13.01a, Vernon's Texas Election Code). The precinct convention shall elect from among those present and qualified a permanent chairman and such other officers as may be necessary to conduct its business. The chairman of the convention shall possess all the power and authority that is given to election judges by the provisions of this code. After the convention is organized it shall elect its delegates to the county convention or senatorial district convention, as the case may be, and transact such other business as may properly come before it. The only qualifications for serving as a delegate to a county or senatorial district convention, or to a state convention, are that the person shall be a qualified voter residing within the territory which he is selected to represent and

shall be affiliated with the party as prescribed in Section 179a of this code. Such of the delegates selected at the precinct convention as may attend the county or senatorial district convention shall cast the number of votes equal to the full delegate strength of the precinct. The officers of the precinct convention shall keep a written record of its proceedings, including the list of persons present and a list of delegates elected to the county or senatorial district convention, with the residence address of each delegate shown thereon, which shall constitute the returns from the convention. The record, and a copy thereof, shall be signed officially, sealed up and safely transmitted in person or by registered mail by the permanent chairman of the precinct convention within three days after the precinct convention to the county clerk of the county, who shall affix his file mark thereto and who shall promptly deliver the original copy of such return to the chairman of the county executive committee, and the return filed with the county clerk shall be open to public inspection during the regular office hours.

"Subdivision 5. ~~[(c)]~~ The chairman of the county executive committee shall deliver the lists of delegates named by the precinct conventions in the county to the county convention, or shall deliver the appropriate precinct lists to each of the temporary chairmen of the senatorial district conventions to be held within the county, as the case may be, and these lists shall constitute the temporary roll of those selected as delegates to the county convention or senatorial district conventions and only delegates on such temporary roll shall be permitted to vote in the temporary organization of the convention. No person shall be permitted to hold a proxy or vote a proxy at a county convention or senatorial district convention. The county chairman shall be the temporary chairman of the county convention. The senatorial district committeeman selected as provided in Section 196a of this code shall be the temporary chairman of the senatorial district convention for a part of a county which is joined with other territory in a senatorial district, and the chairman of the district executive committee selected as provided in Section 196a of this code shall be the temporary chairman in a district composed of only a part of one county. After being called to order by the temporary chairman, the convention shall elect a permanent chairman and such other officers as may be necessary to conduct its business. Immediately upon the adjournment of each such county or senatorial district convention, the permanent chairman thereof shall make out a certified list of the delegates chosen, together with a copy of all resolutions adopted by the convention, and shall sign the same, the permanent secretary of such convention attesting his signature, and within five days after the convention shall forward such certified list, resolutions and copies of each thereof by sealed registered or certified letter to the Secretary of State in Austin, Texas, who shall affix his file mark thereon and who shall deliver the originals thereof to the chairman of the state executive committee, prior to ~~the~~ [any] state convention. The state chairman shall call a meeting of the state executive committee, which shall, at the meeting, prepare a complete list of the delegates elected to the state convention ~~[conventions]~~ by each county convention or senatorial district convention as certified by the Secretary of State. The chairman shall then present the certified list to ~~the~~ [any] state convention, at any time prior to its beginning, and such lists shall constitute the temporary roll of those selected as delegates to such convention ~~[conventions]~~, and only delegates on such temporary roll shall be permitted to vote in the temporary organization of ~~the~~ [any-such-state] convention. No person shall be permitted to hold a proxy or vote a proxy at a state convention from more than one county.

"Subdivision 6. ~~At the appropriate meeting as designated in Subdivision 1 of this section, the county executive committee [(c) The county executive committee in its meeting on the third Monday in March preceding the general primary, provided for in Section 195 of this code], or, upon its failure to act, the county chairman, shall determine the hour and place at which the precinct conventions shall be held [on primary election day]. The time for~~

convening of the precinct convention ~~to be held on general primary election day (in each precinct)~~ must be set between the hours of two o'clock p.m. and nine o'clock p.m. The county chairman shall then be required to post a copy of this order on a bulletin board at the county courthouse and file a copy of the same in the office of the county clerk, where it shall be open to public inspection. This notice shall be posted and filed by the county chairman at least ten days prior to the holding of the precinct conventions. Also at this meeting the county executive committee, or, upon its failure to act, the county chairman, shall decide the hour and place at which the county convention shall be held, and the county chairman shall post this order on the bulletin board at the county courthouse and also file a copy of this notice with the county clerk, at least ten days prior to the date of the county convention. When senatorial district conventions are to be held in a county in lieu of the county convention, at this meeting the precinct chairmen for the election precincts which will select delegates to each senatorial district convention, or upon their failure to act, the temporary chairman of the convention, shall decide the hour and place at which each respective senatorial district convention shall be held, and each temporary chairman shall post this order on the bulletin board at the county courthouse and also file a copy of this notice with the county clerk, at least ten days prior to the date of the convention. Should the above-designated persons fail to post such orders and file such notices, then any member of the county executive committee who was entitled to participate in the decision may post such orders and file such notices and such shall constitute the orders and notices required herein. Should more than one member of the county executive committee post such orders and file such notices, then the first posting and filing in point of time shall prevail.

"Subdivision 7. [~~4~~] Representatives of newspapers, wire news services, and radio and television stations shall have the right to attend the precinct conventions, the county conventions, the senatorial district conventions, and the state conventions for the purpose of reporting the proceedings thereof.

"Subdivision 8. [~~4~~] All nominees for the Legislature or the United States Congress and all state representatives, state senators, and members of Congress shall be entitled to admission to the state conventions of their party, but unless elected as a delegate they shall not be entitled to vote or otherwise participate in the affairs of the convention.

"Subdivision 9. [~~4~~] No person shall be ineligible to serve as a delegate to any county, senatorial district, state, or national convention of any political party by reason of his holding any public office."

SECTION 9. Section 213, Texas Election Code, as amended (Article 13.35, Vernon's Texas Election Code), is amended to read as follows:

"213. DATE AND PLACE FOR STATE CONVENTION. At the meeting of the State Executive Committee provided for in Section 190 of this code (Article 13.12, Vernon's Texas Election Code), [held on the second Monday in March preceding each general primary election] the said committee shall decide upon the date, hour and place for holding [where] the biennial State convention of the party [shall be held], said date to be any day between the first and third Tuesdays, exclusive, in September, 1976, and each two (2) years thereafter. The chairman of the State executive committee shall file with the Secretary of State a notice of the date, hour and place of holding the State convention and a copy of such notice shall be mailed to the county chairman of that party in each county in the State at least ten (10) days before the convention is held."

SECTION 10. Section 216, Texas Election Code, as amended (Article 13.38, Vernon's Texas Election Code), is amended to read as follows:

"216. STATE CONVENTION

"Subdivision 1. The state convention to announce a platform of principles, ~~and~~ to announce nominations for Governor and other state offices, and to elect the state executive committee, held by

a political party making nominations by primary election, shall meet ~~at the time and place [on a date between the first and third Tuesdays, exclusive, in September of each even-numbered year, such date and the place of said meeting to be]~~ determined by the state executive committee as provided in Section 213 of this Code ~~(Article 13.35, Vernon's Texas Election Code)~~, and shall remain in session from day to day until ~~[all nominations are announced and]~~ the work of the convention is finished.

"Subdivision 2. The convention shall elect a chairman and a vice-chairman of the state executive committee, one of whom shall be a man and the other a woman, and sixty-two members thereof, two from each senatorial district of the state, one of whom shall be a man and the other a woman, the members of the committee to be those who shall be recommended by the delegates representing the counties composing the senatorial districts respectively, each county voting its convention strength, each of whom shall hold office until his successor is elected; and, in case of a vacancy, a majority of the members of the committee shall fill the vacancy by electing some eligible person thereto, but such person shall be of the same sex as the vacating member and from the same senatorial district.

"Subdivision 3. At any meeting of the state executive committee a person cannot hold a proxy or participate in such meeting unless he is a resident of the same senatorial district as the member giving the proxy, and no person shall be permitted to hold or vote more than one proxy."

SECTION 11. Section 224, Texas Election Code, as amended (Article 13.47, Vernon's Texas Election Code), is amended to read as follows:

"224. NOMINATING CONVENTIONS OF PARTIES NOT REQUIRED TO HOLD PRIMARY

"Subdivision 1. Political parties which are not required by law to make nominations by primary election may make nominations by conventions as provided in this section [herein].

"Subdivision 2. Nominations for statewide offices shall be made at a state convention, which shall be held on the third [second] Saturday in August [June] of the election year, and which shall be composed of delegates selected in the various counties at county conventions held on the third [second] Saturday in July [May]. The county conventions shall be composed of delegates from the general election precincts of such counties elected therein at precinct conventions held in such precincts on the second [first] Saturday in July [May].

"Subdivision 3. Nominations for district offices of districts composed of more than one county or part thereof shall be made at district conventions held on the fourth [third] Saturday in July [May] of the election year, composed of delegates elected thereto from the counties having territory within the district, at the county conventions ~~[held on the second Saturday in May]~~.

"Subdivision 4. Nominations for county and precinct offices and for district offices of districts composed of only one county or part of one county shall be made at the county conventions ~~[held on the second Saturday in May]~~.

"Subdivision 5. The state executive committee of each party shall determine the formula by which the number of delegates to the county, district, and state conventions of that party shall be governed, and shall also formulate such rules as it deems desirable with respect to participation of delegates at a county convention in the nomination of candidates for precinct offices and for district offices of districts composed of only a part of the county, and in the election of delegates to a district convention where only a part of the county is included in the district."

SECTION 12. Subsection (b), Subdivision 2, Section 227, Texas Election Code, as amended (Article 13.50, Vernon's Texas Election Code), is amended to read as follows:

"(b) The requirements of Subsection [Paragraph] (a) of this subdivision do not apply to candidates for unexpired terms where the vacancy in office occurs subsequent to the tenth day preceding the regular deadline for filing application for a place on a primary election ballot as prescribed in Section 190 of this code (Article 13.12, Vernon's Texas Election Code), and do not apply to

1 candidates for any office for which the filing deadline in a
 2 primary election is extended under the provisions of Subsection (d)
 3 ~~[Paragraph 2a]~~ of Section 190. ~~[However, an independent candidate~~
 4 ~~who is not required to file a declaration of intent under Paragraph~~
 5 ~~(a) of this subdivision must file with the secretary of state or~~
 6 ~~the county judge, as the case may be, his written consent to become~~
 7 ~~a candidate, within 30 days after the second primary election~~
 8 ~~dayr]"~~

9 SECTION 13. Section 231, Texas Election Code, as amended
 10 (Article 13.54, Vernon's Texas Election Code), is amended to read
 11 as follows:

12 "231. NOMINATIONS BY PARTIES WITHOUT STATE ORGANIZATION

13 "Subdivision 1. Any political party without a state
 14 organization desiring to nominate candidates for county and
 15 precinct offices only may nominate such candidates therefor by a
 16 county convention held on the third ~~[second]~~ Saturday in July ~~[May]~~
 17 of the election year, which convention shall be composed of
 18 delegates from the various election precincts in the county,
 19 elected therein at conventions held in such precincts on the second
 20 ~~[first]~~ Saturday in July ~~[May]~~.

21 "Subdivision 2. All nominations made by any such parties
 22 shall be certified to the county clerk by the chairman of the
 23 county committee of such party, and, after taking the same course
 24 as nominations of other parties so certified, shall be printed on
 25 the official ballot in a separate column, headed by the name of the
 26 party; provided, a written application for such printing shall have
 27 been made to the county judge not later than August ~~[June]~~ 30
 28 following the conventions, signed by qualified voters of the county
 29 equal in number to at least three per cent of the entire vote cast
 30 for governor in such county at the last general election for that
 31 office. No person who is affiliated with any other political party
 32 is eligible to sign the application. The application shall contain
 33 the following information with respect to each person signing it:
 34 his address, the number of his voter registration certificate, and
 35 the date of signing. The application may not be circulated for
 36 signatures until after the date of the precinct conventions, and
 37 any signatures obtained on or before that date are void. The
 38 application may be in multiple parts. To each part there shall be
 39 attached an affidavit of the person who circulated it, who must be
 40 a registered voter in the county, stating that he witnessed the
 41 affixing of each signature, that the correct date of signing is
 42 shown on the application, and that to his best knowledge and belief
 43 each signature is the genuine signature of the person whose name is
 44 signed. An application so verified is prima facie evidence that
 45 the signatures thereon are genuine and that the persons signing it
 46 are qualified voters of the county."

47 SECTION 14. Section 235, Texas Election Code, as amended
 48 (Article 13.58, Vernon's Texas Election Code), is amended to read
 49 as follows:

50 "235. NATIONAL CONVENTION FOR PARTY NOT HOLDING PRIMARY.

51 ~~[(a) Any political party holding primary elections in an election~~
 52 ~~year during which it desires to elect delegates to a national~~
 53 ~~convention shall hold a state convention at such hour and place and~~
 54 ~~on such date as may be designated by the state executive committee~~
 55 ~~of the party, such date to be any day between the second and fourth~~
 56 ~~Tuesdays, inclusive, following the second primary election date.~~
 57 ~~Such convention shall be composed of delegates duly elected at the~~
 58 ~~county and senatorial district conventions as provided for in~~
 59 ~~Section 212 of this code. The chairman of the state executive~~
 60 ~~committee shall notify the Secretary of State as to the date, hour~~
 61 ~~and place at which the state convention will be held and shall also~~
 62 ~~mail a copy of such notice to each county chairman and the~~
 63 ~~temporary chairman of each senatorial district convention in the~~
 64 ~~state at least ten days prior to the date of the state convention.~~

65 "~~[(b)]~~ Any political party not holding primary elections
 66 which desires to elect delegates to a national convention shall
 67 elect such delegates at a ~~[the]~~ state convention held in June of
 68 the election year, composed of delegates elected at county
 69 conventions held in May of the election year. Delegates to the
 70 county conventions shall be elected at precinct conventions held

1 ~~not more than 14 nor fewer than seven days before the date for~~
 2 ~~holding the county conventions. The hour and place for the~~
 3 ~~precinct and county conventions shall be determined as provided by~~
 4 ~~Subdivision 3, Section 222a of this code (Article 13.45a, Vernon's~~
 5 ~~Texas Election Code) (provided for in Section 224 of this code)."~~

6 SECTION 15. Paragraphs 3 and 4, Section 177, Texas Election
 7 Code, as amended (Article 12.02, Vernon's Texas Election Code), are
 8 amended to read as follows:

9 "3. If a vacancy occurs in the office of a United States
 10 Senator ~~(or a Congressman at large)~~ during the year in which a
 11 general election is held in this state and prior to the tenth day
 12 of ~~May~~ ~~[March]~~ of said year, the Governor shall, within five days
 13 after the vacancy occurs, issue writs of election directing that
 14 the nomination and election of a United States Senator ~~(or of a~~
 15 ~~Congressman at large)~~ to fill such vacancy shall be accomplished in
 16 the manner provided by law for the nomination and election of the
 17 Governor; provided that when a vacancy ~~[in either or both of said~~
 18 ~~offices]~~ is to be filled in this manner, a candidate for nomination
 19 by any political party holding a primary election in that year
 20 shall have until the first day of ~~June~~ ~~[April]~~ of the election year
 21 to make application to have his name placed on the official ballot
 22 to be used in the primary election held by said political party for
 23 choosing its nominee for said office to run in the general
 24 election.

25 "4. If such vacancy occurs ~~[in either or both of the~~
 26 ~~aforesaid offices]~~ during a year in which no general election is to
 27 be held or after the ninth day of ~~May~~ ~~[March]~~ of a general election
 28 year, the vacancy shall be filled at a special election or special
 29 elections, the first of which shall be called by writ of election,
 30 issued by the Governor within five days after the vacancy occurs,
 31 directing that a special election be held throughout the state on a
 32 specified day, which shall be ~~the next uniform election date~~
 33 ~~occurring not fewer [not less] than sixty days [not more than~~
 34 ~~ninety days]~~ after the date of the writ, for the purpose of
 35 electing a United States Senator ~~(or a Congressman at large)~~ to
 36 fill the existing vacancy and to serve for the unexpired term of
 37 the then vacant office."

38 SECTION 16. Subsection (a), Section 9b, Texas Election Code,
 39 as amended (Article 2.01b, Vernon's Texas Election Code), is
 40 amended to read as follows:

41 "(a) Except as provided in Subsections (b) and (e) of this
 42 section, every general (regular) or special election held by the
 43 state or by any county, city, school district, water district, or
 44 any other political subdivision or agency of this state must be
 45 held on one of the following dates: the third Saturday in January,
 46 the first Saturday in April, the ~~last~~ ~~[second]~~ Saturday in August,
 47 or the first Tuesday after the first Monday in November. Provided,
 48 however, that in even-numbered years the only issues which may be
 49 included on the ballot of the election held on the first Tuesday
 50 after the first Monday in November shall be the election of state
 51 and county officers, the election of officers of a general-law city
 52 wherein the governing body of said city finds that the religious
 53 tenets of more than 50 percent of the registered voters of said
 54 city prohibit the adherents from voting in an election held on
 55 Saturday, and amendments to the constitution of this state
 56 submitted to the voters by the legislature. This requirement does
 57 not apply to runoff elections, political subdivisions using the
 58 convention method of election, elections held under Chapter 467,
 59 Acts of the 44th Legislature, 2nd Called Session, 1935, as amended,
 60 elections for bonds and school maintenance taxes, or to the
 61 biennial party primary elections held to nominate candidates for
 62 public office. An election held on an unauthorized date is void."

63 SECTION 17. Subdivision 2, Section 170b, Texas Election
 64 Code, as added (Article 11.01b, Vernon's Texas Election Code), is
 65 amended to read as follows:

66 "Subdivision 2. A person desiring to become an independent
 67 candidate for president shall file with the Secretary of State, not
 68 later than the second Monday in ~~September~~ ~~[July]~~ before the general
 69 election at which his name will appear on the ballot:

70 "(1) an application to have his name and the name of an

1 eligible vice-presidential candidate as his running mate printed on
2 the ballot on a form prescribed by the Secretary of State;

3 "(2) the signed written consent of the person designated as
4 the vice-presidential candidate to have his name printed on the
5 ballot in that capacity;

6 "(3) a list of the names and addresses of persons to
7 represent the applicant as presidential elector candidates in the
8 number to be elected, together with the signed written consent of
9 each such person to become a candidate; and

10 "(4) a petition of voters signed by qualified voters of the
11 state in a number equal to not less than one percent of the entire
12 vote of the state cast for president and vice-president at the last
13 preceding presidential general election."

14 SECTION 18. Section 179, Texas Election Code (Article 13.01,
15 Vernon's Texas Election Code) is amended to read as follows:

16 "179. PRIMARY ELECTION. The term 'primary election,' as
17 used in this chapter, means an election held by the members of an
18 organized political party for the purpose of nominating the
19 candidates of such party to be voted for at a general or special
20 election, or to nominate the county executive officers of a party.
21 'Primary election' also includes the presidential primary election
22 held under Section 235b of this code unless the context indicates
23 otherwise."

24 SECTION 19. Section 179a, Texas Election Code, as amended
25 (Article 13.01a, Vernon's Texas Election Code), is amended to read
26 as follows:

27 "179a. WHO ARE MEMBERS OF ORGANIZED PARTY. (1) The members
28 of an organized political party who shall be permitted to
29 participate in its convention procedure as set forth in this code
30 shall be only those persons who have become qualified as members of
31 the party by voting in the elections of the party or have otherwise
32 qualified as provided in this section. Having once become a
33 qualified member of a party during a given party-affiliation year,
34 a person shall remain a qualified member of that party for the
35 duration of that [voting] year but may change party membership in a
36 succeeding party-affiliation year. 'Party-affiliation year' means
37 the period beginning April 1 of each year and ending March 31 of
38 the succeeding year.

39 "(2) The election and convention procedure of the party
40 shall include the presidential primary election, the general
41 primary election and the second primary election provided for in
42 Section 181 of this code, and ~~shall include~~ the conventions of
43 the party at precinct, county and state level in both its state
44 convention procedure and its national convention procedure insofar
45 as they apply herein.

46 "(3) Persons who have not qualified as members of a
47 political party as required by this section shall be disqualified
48 to participate in the convention procedure of the political parties
49 and shall also be disqualified to be selected or to hold the
50 position of executive committee member, precinct judge or chairman,
51 delegate to any convention of a party, national committeeman,
52 committeewoman or presidential elector of the party.

53 "(4) An applicant for party affiliation shall become a
54 qualified member of a political party which is holding primary
55 elections when he has voted within that party's primary or has
56 taken part in a convention of that party prior to a primary. At
57 the head of the signature roster for each primary election there
58 shall be printed the following statement: 'I swear that I have not
59 voted at a primary election or participated in a convention of any
60 other political party during this party-affiliation [voting] year.'
61 The presiding judge or another election officer designated by him
62 shall place each voter under oath and require him to swear to this
63 statement before he signs the roster. The first time a voter
64 presents his voter registration certificate at a primary election,
65 the election officer shall stamp the appropriate party designation
66 within the party affiliation space on the face of the certificate.
67 If the voter is voting on a statement of a lost registration
68 certificate, the presiding judge shall issue to him a certificate
69 of his having voted, in the following form:

70 Date _____

_____ has voted on this date in the

 (Name of Voter)
 primary election of the _____ Party.

 Presiding Judge, Precinct No. _____,
 _____ County, Texas.

When a voter votes by absentee ballot in a primary election, the county clerk shall stamp the appropriate party designation on the voter's registration certificate; or if the voter is voting on a statement of a lost or unreturned certificate, the clerk shall deliver or mail to the voter, at the time specified by law for returning a registration certificate to an absentee voter, a certificate of his having voted by absentee ballot in the primary.

"(5) To become qualified to participate in any party convention of a party which does not hold a primary or to become qualified for party membership for any party convention held prior to a primary, each voter who desires to participate in the convention shall present to the precinct chairman his affidavit that he has not participated in the primary or convention of any other party during that party-affiliation [voting] year. Thereupon, the precinct chairman shall stamp the appropriate party designation on the voter's registration certificate if the voter presents it, and if the registration certificate is not presented, the chairman shall issue to the voter a certificate in the following form:

 Date _____
 _____ has affiliated with the

 (Name of Voter)
 _____ Party for the current
party-affiliation year.

 Precinct Chairman, Precinct No. _____,
 _____ County, Texas.

Each precinct chairman is authorized to administer the oath required by this subsection. Within 10 days after the precinct convention, he shall arrange the affidavits in alphabetical order and deliver them to the county clerk. If he receives an affidavit after the date of the precinct convention, he shall deliver it to the county clerk within 10 days after he receives it. The county clerk shall keep the affidavits on file in alphabetical order within each precinct for a period of two years after the end of the voting year in which they are filed. The county clerk shall maintain a separate file for each political party.

"(6) A voter registration certificate which has been stamped with a party designation, a certificate of having voted in a primary election, or a certificate of party affiliation issued by a precinct chairman, all as provided in this section, shall serve as evidence that the person whose name appears on the certificate is affiliated with the party designated on the certificate and is therefore eligible to participate in that party's conventions.

"(7) No person who participates in a [the] primary or convention of any political party during a party-affiliation [voting] year shall participate in any [subsequent] primary or convention of any other party during that same [voting] year. Any vote cast in a primary election in violation of this prohibition shall be void and shall not be counted for any purpose, and the violator shall be punishable as provided in Section 349 of this code (Article 15.49, Vernon's Texas Election Code), as amended [Article 240 of the Texas Penal Code].

"(8) Any person who participates or attempts to participate in a party convention held by a political party on a certification of qualifications other than one prescribed in this section shall be guilty of a misdemeanor and upon conviction shall be fined not to exceed one thousand dollars."

SECTION 20. Subsection (d), Section 186, Texas Election Code, as amended (Article 13.08, Vernon's Texas Election Code), is amended to read as follows:

"(d) In lieu of the payment of a filing fee, a candidate may file a nominating petition which may be in multiple parts and must be signed by the qualified voters eligible to vote for the office

for which the candidate is running as follows:

"For statewide office, 5,000 signatures.

"For district, county, precinct, or other political subdivisions, equal in number to at least two percent of the number of votes cast in the territory for that party's candidate for governor in the last preceding gubernatorial general election. However, in no event shall the number required be more than 500; and if two percent of the votes cast in the territory was less than 25, the number required is the lesser of 25 signatures or 10 percent of the number of votes cast.

"Where a candidate is running in a district, county, or precinct which has been created or the boundaries of which have been changed since the last gubernatorial general election, he may request that the secretary of state in the case of a district or county office, or the county clerk of the county in which the precinct is situated in the case of a precinct office, make an estimate in advance of the filing deadline of the number of votes cast for that party's candidate for governor within that territory at the last gubernatorial election. Not later than the 15th day after receiving such a request, the officer shall make the estimate and notify the candidate, and also the officer with whom the candidate files his application. The estimate shall be used as the official basis for computing the number of signatures required on a petition. If an advance estimate is not requested, the officer with whom the petition is filed shall make the estimate, whenever necessary, before he acts on the sufficiency of the petition. In every instance, the candidate may challenge the accuracy of the estimate, and if he is dissatisfied with the final decision of the officer he may appeal the decision to any district court having jurisdiction in the territory involved.

"The following statement shall appear at the head of each page of the petition: 'I know the contents of this petition. I am a qualified voter eligible to vote in the forthcoming primary election of the (fill in name) Party for the office for which (fill in name) is a candidate. I have not signed the petition of a candidate who is running for any office the primary of any other party. I understand that by signing this petition I become ineligible to affiliate with any other party or to participate in the primary elections, conventions, or other party affairs of any other party, including a party which is not holding a primary election, during the ~~party-affiliation~~ [voting] year in which this election is held, and that I am guilty of a misdemeanor if I attempt to do so.'

"To each part of the petition shall be attached an affidavit of the person who circulated it, stating that he called each signer's attention to the statement and read it to him before the signer affixed his signature to the petition, and further stating that he witnessed the affixing of each signature, that the correct date of signing is shown on the petition, and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name is signed. A petition so verified is prima facie evidence that the signatures thereon are genuine and the persons signing it are registered voters.

"The petition must show the following information with respect to each signer: His address (including his street address if residing in a city, and his rural route address if not residing in a city), his current voter registration certificate number (also showing the county of issuance if the office includes more than one county), and the date of signing. The secretary of state shall prescribe a form for the petition before the 30th day prior to the filing deadline and provide copies of that form to the state chairman and the county chairmen of each party holding a primary election. However, a candidate may use any other form which complies with the requirements of this section. It is the specific intent of the legislature that there shall be no requirement for the administering of an oath to any person signing a petition under the provisions of this section.

"A petition filed under this section shall be filed with the same officer with whom an application for a place on the ballot for the office being sought is to be filed and must be filed at the

1 same time as such an application."

2 SECTION 21. Subsection (b), Subdivision 2, Section 222,
3 Texas Election Code, as amended (Article 13.45, Vernon's Texas
4 Election Code), is amended to read as follows:

5 "(b) The following statement shall appear at the head of
6 each page of the petition: 'I know the contents of this petition,
7 requesting that the names of the nominees of the _____ Party be
8 printed on the ballot for the next general election. I am a
9 qualified voter at the next general election under the constitution
10 and laws in force, and during the current party-affiliation
11 ~~[voting]~~ year I have not voted in any primary election or
12 participated in any convention held by any other political party,
13 and I will not vote in a primary election or participate in a
14 convention of any other party during the remainder of this
15 party-affiliation ~~[voting]~~ year.' The petition may be in multiple
16 parts. To each part of the petition shall be attached an affidavit
17 of the person who circulated it, stating that he called each
18 signer's attention to the statement and read it to him before the
19 signer affixed his signature to the petition, and further stating
20 that he witnessed the affixing of each signature, that the correct
21 date of signing is shown on the petition, and that to the best of
22 his knowledge and belief each signature is the genuine signature of
23 the person whose name is signed. A petition so verified is prima
24 facie evidence that the signatures thereon are genuine and the
25 persons signing it are registered voters. The petition may not be
26 circulated for signatures until after the date of the party's
27 precinct conventions. Any signatures obtained on or before that
28 date are void.

29 SECTION 22. Section 189a, Texas Election Code, as added
30 (Article 13.11a, Vernon's Texas Election Code), is amended to read
31 as follows:

32 "189a. INELIGIBILITY TO BECOME OPPOSING CANDIDATE. Any
33 person who has participated as a voter or as a candidate in either
34 the general ~~[first]~~ primary election or the runoff primary election
35 of a political party shall be ineligible to have his name printed
36 on the ballot at the succeeding general or special election as an
37 independent candidate for any office for which a nomination was
38 made by such party at either such primary election, and shall be
39 ineligible to have his name printed on the ballot as the nominee of
40 any other party for any office to be voted on at the general or
41 special election."

42 SECTION 23. Section 349, Texas Election Code, as added
43 (Article 15.49, Vernon's Texas Election Code), is amended to read
44 as follows:

45 "349. PARTICIPATING IN PRIMARY ELECTIONS OR CONVENTIONS OF
46 MORE THAN ONE PARTY. Whoever votes or offers to vote at either a
47 general primary election or a runoff primary election or
48 participates or offers to participate in a convention of a
49 political party, having voted at either a general primary election
50 or a runoff primary election or participated in a convention of any
51 other party during the same party-affiliation ~~[voting]~~ year, shall
52 be guilty of a Class A misdemeanor."

53 SECTION 24. Subdivisions 1 and 2, Section 46a, Texas
54 Election Code, as amended (Article 5.14a, Vernon's Texas Election
55 Code), are amended to read as follows:

56 "Subdivision 1. REGISTRATION CERTIFICATE FORMS. (a) The
57 form for a voter registration certificate shall be prescribed by
58 the Secretary of State. He may prescribe one or more forms for use
59 in counties using electronic data processing methods for issuing
60 certificates and a different form for use in counties not using
61 those methods. A certificate form prescribed by the Secretary of
62 State shall be valid for use only during a two-year period, such
63 two-year period to begin on April ~~[March]~~ 1 of even-numbered years,
64 unless rescinded by the Secretary of State.

65 "(b) The registration certificates for each county may be
66 numbered or labeled in any manner which will enable the registrar
67 to efficiently and accurately maintain the voter registration
68 rolls. However, the Secretary of State may establish a
69 standardized numbering or labeling system and require its adoption
70 by the various counties.

1 "Subdivision 2. ISSUANCE OF CERTIFICATES. (a) When a
 2 properly executed application is received by the registrar, he
 3 shall make out an initial registration certificate in duplicate and
 4 shall mail the original copy to the voter at his regular mailing
 5 address, or if none, at his permanent residence address, in time
 6 for him to receive it before his registration becomes effective.
 7 The registrar may also deliver the original copy to the voter
 8 personally, or to an agent making the application under Section 45a
 9 of this code (Article 5.13a, Vernon's Texas Election Code). The
 10 duplicate copy shall be retained by the registrar. At the time he
 11 prepares the initial registration certificate, the registrar shall
 12 enter the certificate number in an appropriate space on the voter's
 13 application for registration.

14 "(b) Between ~~December~~ [November] 1 and ~~December~~ [November]
 15 15 of each year in which no general election is held, beginning in
 16 1977, the registrar shall prepare and mail to each registered voter
 17 in the county as of the preceding ~~November 30~~ [October 31] a
 18 registration certificate for use during the succeeding two voting
 19 years. The certificate shall be mailed to the permanent residence
 20 address shown on the voter's registration application; or, if
 21 provided, the mailing address. It shall not be sent in the same
 22 envelope as the voter's tax statement. Attached to or made a part
 23 of the registration certificate shall be adequate space for the
 24 voter to insert any change of information other than that printed
 25 on the certificate. If the voter has noted such changes, the
 26 notice shall be signed and affirmed by the voter and returned to
 27 the registrar for correction of the records and issuance of a
 28 corrected certificate to the voter.

29 "The registration certificate or envelope containing the
 30 certificate shall be marked with a direction to the postal
 31 authorities not to forward it to any other address and to return it
 32 to the registrar if the addressee is no longer at that address. In
 33 the event the certificate is returned, the registrar shall cancel
 34 the voter's registration. The registrar shall maintain a list of
 35 all returned and cancelled registration certificates showing the
 36 name, address, birth date, and registration number of the person to
 37 whom the certificate was issued. The list shall be kept in the
 38 registrar's office and shall be open to public inspection at all
 39 times during regular office hours of the registrar, subject to
 40 reasonable regulations and to proper safeguards against
 41 alterations, mutilation, or removal. The registrar shall furnish a
 42 copy of such list to any person requesting it and shall be
 43 permitted to charge One Dollar (\$1) for each 10,000 names contained
 44 on the list, to be paid by the person so ordering such list. Any
 45 money collected pursuant to this subdivision shall be accounted for
 46 as official fees of office.

47 "Prior to the succeeding ~~February~~ [January] 15, the registrar
 48 shall send to the Secretary of State a list of all the persons,
 49 along with all corresponding information available and required by
 50 the Secretary of State, whose registration certificates were
 51 cancelled as a result of the provisions of this section. Such list
 52 shall be in computer readable form. The Secretary of State shall
 53 furnish a copy of such list to any person requesting it and shall
 54 be permitted to charge One Dollar (\$1) for each 10,000 names
 55 contained on the list, to be paid by the person so ordering such
 56 list. Funds collected by the Secretary of State pursuant to this
 57 subdivision shall be used by the Secretary of State to defray any
 58 expenses incurred in the preparation of such list.

59 "Any person who uses information obtained under this
 60 subdivision for any purpose other than informing voters about
 61 candidates for public offices or public issues or for voter
 62 registration purposes is guilty of a Class A misdemeanor.

63 "(c) Each voter whose registration becomes effective after
 64 ~~November 30~~ [October 31] of an odd-numbered year, beginning with
 65 1977, but before the following ~~April~~ [March] 1 shall be issued an
 66 initial certificate valid for the remainder of that voting year and
 67 a certificate valid for use during the two-year period beginning
 68 the following ~~April~~ [March] 1.

69 "(d) A registrar of voters who knowingly issues, mails, or
 70 delivers a registration certificate to a person other than the

applicant therefor or his lawful agent as provided in Section 45a of this code (Article 5.13a, Vernon's Texas Election Code), is guilty of a felony of the third degree.

"(e) Any person whose registration is cancelled under the provision of this section shall be required to reregister in the same manner as an initial registrant. The secretary of state shall prescribe forms for the various documents required by this section."

SECTION 25. Subdivision 3, Section 47b, Texas Election Code, as amended (Article 5.15b, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 3. Each ~~April~~ ~~[March]~~ 1 and ~~October~~ ~~[September]~~ 1 the secretary of state shall prepare a copy of the master state voter file on magnetic tape, which shall include each voter's county, voting precinct number, name, permanent residence address, mailing address if any, sex, year of birth, and registration number. It shall not include any voter's social security number or telephone number. The secretary of state shall furnish a copy of this tape to any person requesting it. Each person requesting a copy shall submit an affidavit that the information obtained will be used only for the purpose of informing voters about candidates for public office or about public issues, and will not be used to advertise or promote commercial products or services. The secretary of state shall provide the copy within 15 days of the date on which he receives the request. He shall exact a uniform charge against each person to whom he furnishes a copy of the tape. The charge shall not be greater than an amount deemed sufficient to reasonably reimburse the secretary of state for his actual expense in furnishing the copy, and in any event shall not exceed five cents per hundred names furnished."

SECTION 26. Subdivisions 3a and 6, Section 48a, Texas Election Code, as amended (Article 5.16a, Vernon's Texas Election Code), are amended to read as follows:

"Subdivision 3a. CANCELLED VOTER REGISTRATION CERTIFICATE. For elections held between ~~April~~ ~~[March]~~ 1 and no later than ~~July~~ ~~31~~ ~~[June--30]~~ in even-numbered years, where a voter's name is not shown on the precinct list of registered voters but does appear on the precinct list of cancelled voter registration certificates, the election officer shall permit such voter to cast a ballot, provided such voter submits a completed voter registration application to the election officer and an affidavit that he still resides within the county for county administered and primary elections or within the municipality or other political subdivision if administered by such authority. In the event the runoff primary election occurs within 29 days after the date of the general primary, the voter may vote at the election under the procedure outlined in this subdivision, except that the voter shall inform the presiding judge that he voted under this procedure at a previous election, and the presiding judge shall note that fact on the application. When the registrar receives such an application, he shall attach it to the application previously received.

"All affidavits required by this subdivision shall contain the content and be in the form prescribed by the Secretary of State. The date on which the election officer accepts an application is considered to be the date on which the registrar receives it, and the registration becomes effective for voting in other elections on the 30th day after that date."

"Subdivision 6. REPLACEMENT OF LOST CERTIFICATE. (a) If a voter to whom a registration certificate has been issued presents to the registrar his signed statement that the certificate has been lost or destroyed, the registrar shall issue to the voter a replacement certificate as a single-copy document, showing the same registration number and the same information as shown on the original certificate. The registrar shall make a notation on the face of the certificate showing it to be a replacement. He shall attach the statement to the voter's application.

"A person who states in a request for a replacement certificate that his registration certificate has been lost or destroyed, knowing the statement to be false, is guilty of a Class A misdemeanor.

"(b) A replacement certificate issued after November 30 ~~[October 31]~~ in an odd-numbered year shall be valid for use during the two-year period beginning on the following April ~~[March]~~ 1. But it shall bear a notation that it may be used beginning on the date of issuance, except that a corrected replacement certificate shall be dated for use beginning on the 30th day following receipt by the registrar of the voter's old certificate or statement of loss."

SECTION 27. Subdivisions 1 and 2, Section 51b, Texas Election Code, as amended (Article 5.19b, Vernon's Texas Election Code), are amended to read as follows:

"Subdivision 1. Before May ~~[April]~~ 1 of each year, the registrar shall submit to the Comptroller of Public Accounts a certified statement of the total number of new registrants, together with the total number of registration certificates which were cancelled under the provisions of Section 50a of this code (Article 5.18a, Vernon's Texas Election Code), during the 12-month period ending March ~~[February]~~ 1 of the year in which the statement is submitted. Before May ~~[April]~~ 1 of each even-numbered year, the registrar shall include, in addition to the above statement, a certified statement of the total number of registered voters shown on the precinct registration lists as of April ~~[March]~~ 1 of that year.

"Subdivision 2. Before July ~~[June]~~ 1 of the year in which the statement is submitted, the Comptroller shall issue a warrant to each county in the aggregate of the following amounts:

"(1) 40 cents multiplied by the total number of new registrants, and

"(2) 40 cents multiplied by the number of voter registration certificates cancelled under the provisions of Section 50a of this code (Article 5.18a, Vernon's Texas Election Code), as shown by the certified statement required by Subdivision 1 of this section, and

"(3) when the total number of registered voters is supplied in accordance with Subdivision 1 of this section, 40 cents multiplied by the difference between the total number of registered voters and the total number of new registrants under this Act during the two 12-month periods prior to the statement in each county. However, before issuing a warrant the Comptroller may require additional proof to substantiate the certified statement."

SECTION 28. Section 53a, Texas Election Code, as amended (Article 5.21a, Vernon's Texas Election Code), is amended to read as follows:

"Section 53a. STATEMENT OF REGISTRATIONS. On or before April ~~[March]~~ 5 of each year, the registrar shall make a statement to the secretary of state of the number of registered voters in each precinct as shown by the list of registered voters on April ~~[March]~~ 1, and the secretary of state shall file the statement as a record of his office. The registrar shall also file a copy of the statement as a record of his office."

SECTION 29. Subdivision 5, Section 56a, Texas Election Code, as amended (Article 5.24a, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 5. TERM OF OFFICE. The initial appointment of the county elections administrator shall be until the beginning of the first regular term thereafter. The regular term of office for the administrator is for a period of two years beginning on April ~~[March]~~ 1 in each odd-numbered year. Between February ~~[January]~~ 1 and February ~~[January]~~ 15 preceding the expiration of the term, the chairman of the county elections commission shall call a meeting of the commission for the purpose of making an appointment for the succeeding term. Any vacancy in the office shall be filled by the commission for the remainder of the unexpired term. The administrator may be removed from office in the same manner and on the same grounds as provided by general law for removal of county officers or as provided for under paragraph (c) of Subdivision 2 of this section."

SECTION 30. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several

days in each house be suspended, and this rule is hereby suspended.

* * * * *

Austin, Texas
March 6, 1979

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on State Affairs, to which was referred S.B. No. 602, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

Moore, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 5, 1979

Honorable Willaim T. (Bill) Moore, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 602
By: Ogg

Sir:

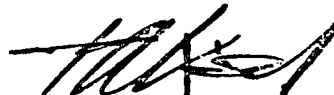
In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Bill No. 602 (relating to the selection of delegates to national nominating conventions and party nominees for public office) to be as follows:

The bill would make no appropriation but would constitute prior legislative authorization for an appropriative request.

The probable cost of implementing the provisions of the bill, should it be enacted, would be ~~\$4,702,132 in fiscal year 1980~~, of which \$15,000 would be the cost to the Secretary of State for administering the bill.

Similar costs would occur in each presidential election year as long as the provisions of the bill are in effect.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.



Thomas M. Keel
Director

Source: Secretary of State; LBB Staff

BY: Ogg

S.B. No. 602
(AS AMENDED)

BILL ANALYSIS

PURPOSE: To provide for a presidential primary election.

SECTION ANALYSIS:

Section 1: Adds Section 235b to the Texas Election Code, as follows:

Subdivision 1: defines presidential primary.

Subdivision 2: requires a political party to hold a presidential primary if the party is required by the Texas Election Code to hold primary elections for state and county office nominees and the national party rules authorize a presidential primary.

Subdivision 3: permits a political party to hold a presidential primary if the party is authorized (but not required) by the Texas Election Code to hold primary elections for state and county office nominees and if the national party rules authorize a presidential primary.

Subdivision 4: establishes the date of the presidential primary to be the second Tuesday in March of presidential election years.

Subdivision 5: provides that, to the extent practicable, the presidential primary shall be funded in the same manner as the general primary election.

Subdivision 6: concerns manner of qualifying for place on the presidential primary ballot, provides that:

(a) state and national party rules shall govern the qualifications of presidential candidates.

(b) petition signatures must include address and voter registration number of signer and that signatures of one signing more than one such petition are void as to all petitions signed.

(c) the secretary of state shall prescribe the form of the application and petition for candidate placement on the presidential primary ballot.

Subdivision 7: Concerning filing application for place on the ballot; certification of candidates, provides that:

(a) applications for place on primary ballot shall be filed with state chairman by 6 p.m. on the third Monday in January.

(b) by 14 days after the deadline, the state chairman shall certify to each county chairman names of candidates qualifying under the party's rules for place on the ballot and notify the secretary of state.

Subdivision 8: Concerning the primary ballot form, provides the ballot heading and that the form of the primary ballot shall conform to the provisions of the Texas Election Code.

Subdivision 9: Concerning the selection of national delegates, provides that:

(a) the state and national party rules shall, except as otherwise provided here, govern the selection, allocation and pledges of delegates to a party's national presidential nominating convention.

(b) delegates and alternates not selected through the primary election process shall be selected by the state executive committee of the party according to state and national party rules.

Subdivision 10: Concerning implementation by party:

(a) requires the state executive committee of each party conducting a presidential primary to adopt rules necessary to implement this section.

(b) requires these rules to be filed with the secretary of state before January 5th.

(c) permits amendment of rules; however, changes in an election year affecting selection of delegates may not go into effect that year.

Subdivision 11: Concerning procedures for conduct of presidential primary provides:

(a) except as otherwise provided herein, conduct and canvass of the presidential primary shall be in accordance with the provisions of the Texas Election Code governing the conduct and canvass of the general primary.

(b) the secretary of state shall prescribe additional procedures necessary for orderly and honest conduct of the presidential primary.

Subdivision 12: Concerning nonbinding presidential referendum, provides:

(a) state funds may not be spent, in presidential election years, for nonbinding presidential referendums.

(b) defines "nonbinding presidential referendum" as an election in which the result is not a mandatory factor in selecting delegates to a national presidential nominating convention.

Section 2: Amends Section 181, Texas Election Code, to move the date of the general primary election from the first Saturday in May to the first Tuesday after the second Monday in July and to move the date of the runoff primary election from the first Saturday in June to the first Tuesday after the second Monday in August.

Section 3: Amends Section 190, Texas Election Code, to move the filing deadline for candidates in the general primary election from the first Monday in February to the first Monday in April and to move the date when the state executive committee shall meet to certify the names of qualified candidates to county chairmen from the second Monday in March to the fourth Monday in April and to move the date for state chairman to file candidate lists with the secretary of state and each county chairman from within 10 days after the first Monday in February to within 10 days of the first Monday in April.

Section 4: Amends Section 192, Texas Election Code, to move the date when the primary committee shall meet to make up the general primary ballot from the fourth Monday in March to the day following the meeting when the county executive committee determines candidate and office order on the ballot (i.e., to the day following the first Monday in May).

Section 5: Amends Section 195, Texas Election Code, to move the date when the county executive committee shall meet to determine the general primary ballot order from the third Monday in March to the first Monday in May.

Section 6: Amends Section 1960, Texas Election Code, to move the date when district committeemen and chairmen of district committees are elected from the second Monday in February to the first Monday in May.

Section 7: Amends Section 205, Texas Election Code, to reduce the deadline from 20 days to 5 days within which the official canvass of the state executive committee must certify to the secretary of state the names of state and district candidates who have been nominated at the general primary and to the county chairmen the names of such candidates who are to be placed on the runoff primary ballot; to adjust the date of the state executive committee's canvass of the runoff primary (to the second Monday after the second primary election) in accordance with the new primary dates and to provide that the committee shall certify the names of nominated candidates and forward a tabulated statement of the canvass to the secretary of state the next day after such canvass rather than within 20 days, after such canvass; and to provide that the state executive committee may designate a subcommittee to perform the canvass of the runoff primary.

Section 8: Amends Section 212, Texas Election Code, to adjust the dates of precinct, county and senatorial district conventions in accordance with the new primary dates (to the second Saturday after the general primary election day for county conventions and senatorial district conventions and the general primary election day for precinct conventions).

Section 9: Amends Section 213, Texas Election Code, to adjust the date for the meeting of the state executive committee to schedule the state convention to the fourth Monday in April.

Section 10: Amends Section 216, Texas Election Code, to adjust the language relating to state conventions to accord with the language adjustments in Section 9.

Section 11: Amends Section 224, Texas Election Code, to move nominating conventions of political parties not required to hold primary elections in the following manner in accordance with the new primary dates: state convention - from the second Saturday in June to the third Saturday in August; district convention - from the third Saturday in May to the fourth Saturday in July; county conventions - from the second Saturday in May to the third Saturday in July; precinct conventions - from the first Saturday in May to the second Saturday in July.

Section 12: Amends Section 227, Texas Election Code, by making corrective language changes and by eliminating duplication of language concerning independent candidates.

Section 13: Amends Section 231, Texas Election Code, to change dates concerning political parties without state organization, as follows: county conventions - changed from the second Saturday in May to the third Saturday in July; precinct conventions - changed from the first Saturday in May to the second Saturday in July; and deadline for application to be printed on the ballot - changed from June 30 to August 30.

Section 14: Amends Section 235, Texas Election Code, concerning state conventions for election of delegates to national conventions, as follows: changing the title of this section and deleting Subsection (a), the state convention for election of national delegates is retained only for those parties not holding primaries. A time-table for such a convention is provided.

Section 15: Amends Section 177, Texas Election Code, by deleting language referring to "a Congressman at Large." The deadline for filing for the office of U.S. Senator where a vacancy has occurred is changed from the first day of April to the first day of June in accordance with new primary dates. A special election to fill such a vacancy is to be held on the next uniform election date occurring not fewer than 60 days after the Governor's writ.

Section 16: Amends Section 96, Texas Election Code, by changing the August uniform election date from the second Saturday to the last Saturday in accordance with the new primary dates.

Section 17: Amends Section 1706, Texas Election Code, by changing the deadline for independent presidential candidates to file their applications for a place on the ballot from the second Monday in July to the second Monday in September.

Section 18: Amends Section 179, Texas Election Code, by expanding the definition of primary election to include the presidential primary.

Section 19: Amends Section 179a, Texas Election Code, by incorporating language referring to a party-affiliation year which replaces the term "voting year"; provides that a voter remains a member of a political party for the duration of the party-affiliation year, but may change membership in a succeeding party-affiliation year; establishes the party-affiliation year as the period beginning April 1 and ending March 31 of the succeeding year; and uses corrective language referring to the penalty provisions of Article 15.49 rather than Article 240 of the Texas Penal Code.

Section 20: Amends Section 186, Texas Election Code, by incorporating the term "party-affiliation year."

Section 21: Amends Section 222, Texas Election Code, by incorporating the term "party-affiliation year."

Section 22: Amends Section 189a, Texas Election Code by inserting the term "general" in lieu of the term "first" when referring to primary elections.

Section 23: Amends Section 349, Texas Election Code, by incorporating the term "party-affiliation year."

Section 24: Amends Section 46a, Texas Election Code, to align the voting year with the party-affiliation year by: providing that the voter registration certificate two-year effective period shall begin on April 1 of even-numbered years, rather than March 1; requiring the voter registrar to mail out registration certificates in odd-numbered years between December 1 and December 15, rather than between November 1 and November 15 for those voters registered as of the preceding November 30 (rather than October 31); providing that the registrar shall send the secretary of state a list of cancelled

registrations prior to February 15, rather than January 15; changing other voter registration dates in accordance with the voting year change.

Section 25: Amends Section 47b, Texas Election Code, to provide that the secretary of state shall prepare a copy of the master state voter magnetic tape file each April 1 and October 1, rather than each March 1 and September 1, in accordance with the voting year change.

Section 26: Amends Section 48a, Texas Election Code, to adjust the period of time when list of cancelled registrations may be used in voting in accordance with the new primary dates and the voting year change, from between March 1 and June 30 to between April 1 and August 31.

Section 27: Amends Section 51b, Texas Election Code, to adjust the effective dates, deadlines and time periods regarding the registrar's submission to the Comptroller of Public Accounts data on the number of new registrants, cancellations, and total voter registrations and changes the date from June 1 to July 1 the date the comptroller shall issue warrants to counties.

Section 28: Amends Section 53a, Texas Election Code, to provide that the voter registrar shall submit a list of registered voters by precinct to the secretary of state by April 5, rather than March 5, in accordance with the new voting year.

Section 29: Amends Section 56a, Texas Election Code, to provide that the term of office of county elections administrator shall begin on April 1, rather than March 1 of odd-numbered years, in accordance with the new voting year and adjusts other related dates accordingly -- so that between February 1 and February 15, rather than January 1 and January 15, before the expiration of the term the chairman shall call a meeting to make an appointment for the succeeding term.

Section 30: Emergency clause.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 5, 1979

Honorable Willaim T. (Bill) Moore, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 602
By: Ogg

Sir:


In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Bill No. 602 (relating to the selection of delegates to national nominating conventions and party nominees for public office) to be as follows:

The bill would make no appropriation but would constitute prior legislative authorization for an appropriative request.

The probable cost of implementing the provisions of the bill, should it be enacted, would be \$4,702,132 in fiscal year 1980, of which \$15,000 would be the cost to the Secretary of State for administering the bill.

Similar costs would occur in each presidential election year as long as the provisions of the bill are in effect.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.



Thomas M. Keel
Director

Source: Secretary of State; LBB Staff

COMMITTEE SUBSTITUTE FORM

4/5/79

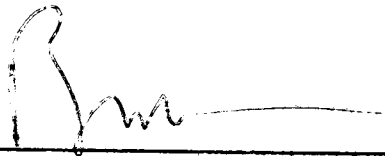
Austin, Texas

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on HUMAN RESOURCES to which was referred
S B. No. 601, have had the same under consideration, and I am instructed to report it back to the
Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu
thereof do pass and be printed.



Chairman

Paper clip TWO copies of the Committee Substitute and TWO copies of this form to the original bill and retain one copy of this form for your file.

STATE AFFAIRS COMMITTEE
SENATOR MOORE CHAIRMAN
TESTIMONY ON SENATE BILL 602
MARCH 5, 1979

CHAIRMAN : Senator Ogg, where are you.

SEN. OGG : Right here, Senator.

CHAIRMAN : Explain your bill, Senator. (Roll call insert)
Go ahead, Senator.

SEN. OGG : Thank you, Mr. Chairman, and members.

I assume when you said controversial legislation that you mean the other two bills, not this one, because I know it's not going to be controversial.

Basically, what Senate Bill 602 does, we do have, ah, some 2 or 3 technical amendments that we will send up at the proper time, ah, that merely are clarifying in their language, or in the dates, ah, they're -- or it -- it anticipates several changes in the election code, and those dates have to be consistent throughout.

But what the bill does, is it does 2 things. It separates the presidential primary from the -- the general state primary. And it does it for 2 reasons. Number 1 it does it because of the importance of the role that Texas rightfully should play in -- on the national political scene. Number 2 it does it because of the fact that we do not have party registration in Texas, and in the usual sense as you do in other states. And I think we do not because we recognize the independence of Texas voters.

Now, very briefly, technically the bill would allow for a presidential primary on the first Tuesday after the second Monday in March. In 1980 that would be March the 11th.

Secondly, it would move the general primary back to July, the first Tuesday after the second Monday in July, and the runoff the first Tuesday after the second Monday in August.

That's technically what -- what the bill does.

In addition to that, it changes, of course, the filing fee time, or the filing deadline time for -- for candidates local---on your -- on your general, or your county -- or your local situations. It sets up a time for filing for the presidential candidates. As far as the presidential primary part of it goes, it leaves total discretion to the two primary

2.

parties in Texas, that is Democrat and Republican.

It also recognizes the rights of other parties, and would allow them to participate. It recognizes the rights of independent, or write-in candidates, and would allow them to participate.

Now, no matter what you may later hear, or no matter what may be said, the bill in all aspects complies with the Democratic National Rules, and it complies with the Republican National Rules.

It does not violate those rules.

What we try to do in setting out an early presidential primary essentially is this: Number 1, this is not something that has been dreamed up in Texas just to benefit one party or one segment of that party. Thirty states in the United States now have presidential primaries. Of those 30 states, 21 of those states have presidential primaries on different dates than their general elections. So, that's over 2/3rds -- or rather general primary, that's 21 out of 30 states that do it the way this bill would propose to do it. That's number 1.

Number 2, the State of New Hampshire is the first primary that really -- it's the first presidential primary, and it's the one that gains the national media attention. And that's what this bill would attempt to do...is to offset that and bring that media attention to Texas.

Now, what I'd like to do is show you a chart showing you the relative strength of Texas and New Hampshire as it ought to be, and then to show you what the relative strength in party politics, and on the national scene, in selecting the president is.

Number 1, the New Hampshire primary will be next year in 1980 on February the 26th. New Hampshire has 811,000 people in the state...they estimate it at 870,000 now, but according to '75 census, or the '75 estimate, it was 811,000 people. They have 19 Democratic delegate votes to the National Democratic Convention. They have 22 Republican delegate votes, and they

3.

have 4 electoral votes.

Texas, by contrast, has 152 Democratic votes in -- in the -- at the Convention. It has 80 Republican votes, and it has 26 electoral votes. Now, that's where -- that's the difference -- 26 votes as opposed to 4. And yet, since 1952, when party primaries popularized -- of the -- of the -- of those 7 elections, in the -- in the 14 candidates that were chosen by the two parties, 9 times the winner of each party in New Hampshire has gone on to carry the day for their party, and in every instance 100% of the time, Eisenhower in '52 and '56, Kennedy in '60, Johnson in '64, Nixon in '68 and '72, and Carter in '76 has a winner of their party's nomination in New Hampshire gone on to be president.

Now, that's a state that has 4 electoral votes.

Now, the next group of primaries that come are also in New England, up in -- in the snowbelt, in Mass., Vermont and Connecticut, where they had them on the same day, on March the 4th, Vermont's -- you really can't count because it's a beauty contest. But, throwing those delegate votes in anyway, you come up with a total in New England of 196 Democratic delegate votes, 118 Republican delegate votes, 29 electoral votes in all of the New England states.

Florida now holds theirs, that would be the next primary on March 11th, the same date that we contemplate the Texas primary being.

(I think I can talk a little better up here)

If -- if you then merge Florida and Texas together, you come up with 252 delegate votes at the Democratic Convention, 131 delegate votes at the Republican Convention, and a total of 43 electoral votes. Now, we have one other---one other situation going -- both Oklahoma and Louisiana being energy producing states, being beef states, cotton states, agricultural states and states in the Sun Belt, are also looking at the feasibility. People in those states are looking at such a feasibility.

4.

But if even eliminate that and just go with this, if you take Florida and Texas, here's what you've come up with in delegate votes, visa-vis and here's what you come up with in electoral votes. If you add these 18 electoral votes, you can see that it's a better than 2 to 1 margin.

Now, what that does, very simply, is it allows Texas its rightful place in the sun, and it allows the Sun Belt its rightful place in national politics.

And you no longer will have candidates who are going to be the presidential nominee in every instance being elected solely on the basis of promises that they make in the northeastern states in the Frost Belt.

They are going to have to come to the Sun Belt, they're going to have to campaign in Florida and in Texas, and they're going to have to talk about energy production instead of just energy consumption. They're going to have to talk about deregulation instead of just regulation and control. They're going to have to talk about beef prices, cotton prices, agricultural prices, they're going to have to talk about revenue sharing, they're going to have to talk about defense spending and other allocations that are in the federal budget.

Now, to bring it further in focus, if you want to see the relative importance of the state of New Hampshire as to what it ought to be in relation to the State of Texas, Harris County has a higher population by about 600,000 people higher than the state of New Hampshire.

The cities of Dallas and Mesquite have more population than the state of New Hampshire. Denton County and Tarrant County have a greater population than the state of New Hampshire. And Bexar County has about the same population as the -- as the state of New Hampshire.

So, we have a very minimum of 4 contiguous areas in Texas that are greater than the state of New Hampshire, and yet I dare say that there's not one of those areas in which Texas has ever selected, through its use of a presidential primary,

5.

has ever selected a nominee for president of either party, or a president.

Now, once you get -- that's the first issue. The second issue is, of course, the independence of Texas voters. And I know that you're going to hear testimony from officials of the Democratic Party, of members of the Democratic Party, I think of officials of the Republican Party and members of the Republican Party that are going to be here to tell you that they're all opposed to this. That we don't need this. That what we need is party purity. Well, number 1, I would not really expect anything less of the people that are here because everyone here is going to be testifying for their own vested interest. That is, they're going to be testifying for that political party, or they're going to be testifying for their philosophy in that party.

And although we all belong to parties, and although we are all elected by parties, there is only one movement forward in the United States and in Texas in the growth of blocks of voters. And that's in the Independent block.

Almost 40%, 39.8% of the people in Texas in a survey in the summer of 1978 refused to even identify with any political party.

Over 40% still identify as Democrats, only 16% identify as Republicans.

The -- the movement all over -- and -- and it's not just in Texas, the movement all over is as an independent voter. An independent voter is that person not just who identifies as an Independent, but he's that -- he or she is that person who may vote for a Democratic candidate and may also, on the same ballot, vote for a Republican candidate. And if you don't think that the majority of Texas voters are independent, you look at how the voters -- the majority vote in a presidential election, in a gubernatorial election, in a senate -- United States Senatorial election, in congressional elections, in state senate races and in state house races.

6.

And I would submit that there are -- that there are no metropolitan counties in this state, and very few rural counties in this state, where the ballot runs true to form from top to bottom, and all of one party is elected.

Yes, Senator --

SEN. MOORE : You can take a look at the Attorney General's race this year and the Governor's race, which reaffirms everything you've said.

SEN. OGG : Yes sir. It's just that recent, Senator.

Now, there -- you -- you're also going to hear from -- from people who represent one wing of the Democratic Party, you'll hear from -- from Republicans. There are going to be certain things that they say, and I'll --- I'll pass those myths out, and that's exactly what they are, they are not factual.

Number 1 the myth that this is a bill to save conservatives, or to save conservative Democrats, all right, as to that point, this is a bill that the majority of the people in Texas would like. We do not have party registration in Texas. It is not past the Senate, it is not past the House, and we do not have it for a reason. And the reason we don't have it is because the majority of Texans don't want it.

I would submit to you that the majority of Texans do not want a donkey or an elephant branded on their forehead that they're going to live with, and that's the only polling place that they can go into for a year.

The -- the next and -- and if you want to get to that, we can talk about who the potential winners and losers may be, and we only have to look as short a time back as the Bentsen Bill which we passed in 1976 that was supposed to greatly benefit Sen. Lloyd Bentsen. By the time Sen. Bentsen ran it was not even -- it was not even a factor.

MOORE : Sen. Harris has a question.

HARRIS : Don't say we passed... (laughter)

7.

OGG : We being -- we being an editorial "we",
Senator. We meaning the Legislature.

The next one is you're going to hear that -- that late primaries that other states, large states like California and Ohio, all have their primaries at the very last, and that you can be more important there.

I think that there is -- there is situations you can conceive where that would break a tie. But there is not one situation that anyone who comes forward will talk about where either of those states, California or Ohio, has been significant in electing even a nominee of the party, much less a president.

The only thing that even comes close was the -- was the Humphrey/McGovern race in 1972 in California, and that really was more involved in a winner take all situation. It -- it was not really involved in what we're talking about here today.

The next one you're going to hear figures -- I now hear figures all the way up to 4.7 million dollars that this is going to cost. Well there's no question that if you divide your primaries, and you have a presidential primary at a different time than you have your general primary there is going to be some cost, but we'll take those cost items when they come forward and do that on a one by one basis to see how those were arrived at.

And I would submit to you that the actual cost is going to be a lot nearer either the bottom side or the top side of \$2 million than it's going to be almost \$5 million, and that when you amortize that by -- divided it by 4, recognizing that we only do this once every 4 years, we're actually talking about somewhere in the vicinity of a half million dollars a year.

And if electing a president of the United States is not that important, then I don't know what in politics we do, or what we do in this Senate or in the House that is important.

That concludes the opening statement.

8.

We will have 1 witness, Mr. Chairman, in order not to waste the committee's time.

MOORE : All right. Senator? In order to keep from taking away from yourself, he's talked about 20 minutes and there's ah--the proponents of these 3 bills are going to have an hour and a half now, you can use your own judgment.

All right..one question. Senator --

OGG : Yes Senator.

SEN. CLOWER : Sen. Ogg, assuming that we were to adopt your proposal as it currently stands, ah, how would delegates be chosen? Who -- who would pick them and how would they be picked?

SEN. OGG : Well, the delegates could be chosen, ah, anyway the parties want to, Senator. The delegates, under the Democractic rules, which I am more familiar with, --

SEN. MOORE : Just a minute, we have a rule in this committee (gavel), no television..microphones on this table. Remove that microphone. And I -- I'll ask the lady not to do that again, because I asked you not to once before. And Channel 4 gets no special privileges at this -- at this committee.

Go ahead.

Channel 8, or whatever it is. (laughter)

SEN. OGG : Senator --

SEN. MOORE : What are the other mikes up there for? We have a microphone. All this record will be transcribed for the record, and ah, you get -- everybody gets the same break. Newspaper reporters don't have a microphone.

Who---what's that other microphone up there?

SEN. OGG : No, I think this is a -- apparently it's a recording also.

SEN. MOORE : Well, we'll just take that off too. In the Senate -- we have an official record here. Remove -- Eric, remove that from ---

Go ahead, Senator, I'm sorry. (gavel)

SEN. OGG : In answer to your question, Sen. Clower.

9.

Under the Democratic Rules, we can elect 75% of our delegates at the election, 25% in order to balance the delegation as to sex, as to race, as to minority, ah, viewpoints would be chosen by the SDEC. There is nothing in the bill that would prevent either party, if they desire, from also having a convention.

CLOWER : But the bill as presently written, your bill would allow the State Democratic Executive Committee to pick all the delegates.

OGG : No...that is not correct, Senator. Seventy five percent of the delegates would be chosen at the ballot, and 25% could be picked, and would be picked by the SDEC.

Now, if the parties feel that they must have conventions also, they can do that. Under the Republican Rules, as I read them, they will pick all of their delegates at the -- at the ballot, with the exception, I believe, last time some 2 or 3 were chosen by the convention.

MOORE : Sen. Harris for a brief question.

HARRIS : Senator Ogg, are you saying that the Democrat Party uses Democratic Rules? Just as the Republican Party uses Democratic Rules?

OGG : Yes sir, in -- in how --

HARRIS : You have referred several times to the Democratic Party using Democratic Rules. I want you to understand Republican Party uses Democratic Rules as well.

OGG : Those are with capital Ds and capital Rs.

HARRIS : But, it's the Democrat Party.

OGG : With a capital D, Senator.

MOORE : Go ahead.

Senator, you're doing good, you're ahead, you'd better quit. (laughter)

All right, now John -- John Brunson wants to speak for this bill, but -- ah -- John, can you step around and be as brief as possible?

QUESTIONS AND ANSWERS EXCERPTED FROM STATE AFFAIRS COMMITTEE
HEARING ON SENATE BILL 602, ON TESTIMONY OF BILLIE CARR,
CARRIN PATMAN. ALL TESTIMONY ON R. A. BARNHART.

BARNHART : I'm Ray Barnhart, I'm Chairman of
the Republican Party of Texas, I lived in Pasadena, Texas.

That's right, I do think that this is kind of a joke.
But, it's a very serious one.

Seems to me --

OGG : Yes sir, go right ahead, Mr. Barnhart.

BARNHART : I'm here representing the Republican
Party, which is, as you probably know, adopted its own presiden-
tial primary rule --

MOORE : (gavel) Excuse me, Mr. Barnhart,
one minute. We -- we had a slight technical error. I've been
doing this a long time, but I still make errors. Ah, Sen. Ogg
sends up Committee Substitute -- no, Sen. Mengden, or Ogg?

Sen. Mengden sends up Committee Substitute, ah, for
Senate Bill 37, and ah, I move that -- the Chair lays out at
this time, Committee Substitute for Senate Bill No. 37.

I know it, but you're going to send it up for him.
Sen. Traeger sends it up for him. (laughter) Anybody object?
(gavel) The Chair hears no objection, so Committee Substitute,
Sen. Mengden's, ah, bill is up, and all that testimony that
you gave us was on Committee Substitute for his bill, and not
Senate Bill 37.

Thank you.

BARNHART : Thank you, Mr. Chairman.

(TESTIMONY ON TAPE SKIPS DOWN TO MR. BARNHART'S TESTIMONY)

BARNHART : As you probably know, last September,
the Republican Party, at its state convention, adopted the
Rule 38(a), which provided for a presidential primary on the
same date as the general primary in May. There has been much
controversary about presidential primaries. However, in spite
of the congroversary, and the varied opinions within the
Republican Party, I was gratified to see that our party adopted

11.

unanimously Rule 38(a). At that convention there were over 3,000 people in attendance, some 1,700 delegates, and it was adopted unanimously. So, I think I speak for the full force and power of the Republican Party in stating that we do insist that we have a same day presidential preference primary.

I was gratified that other diverse elements within the state recognized the wisdom of the same day primary and commend the AFL-CIO, Organized Labor, ah, and many of our friends with whom we are not traditionally allied, for coming to the same conclusion, that a same day primary does serve the best interests of the people of this state.

And it was especially pleasurable then to see the SDEC come to the same conclusion. I think what you have here are diverse personalities, people interests, all who have come to the same conclusion, and whose concern has not been with incumbancy nor personal political advantage...but rather what is right and just for the people of this state.

Senator Ogg said in his opening testimony, I believe it was Sen. Ogg, said you will find people who will be testifying in opposition to this legislation. People who will be serving their own vested interests. I would remind this committee that a couple of years ago, when you had a Bentsen presidential primary bill before, I appeared in behalf of the Republican Party of Harris County, and testified in opposition to that Bentsen primary bill at that time. And I stated then that whenever we draw election law to serve the interests of a select people, as a select individual, or a group of people, we do a disservice to this state and it will backfire.

I think that bill did backfire.

Sen. Ogg has referred to the importance of other states primaries because they come early. And he compared it to the influence of Texas in those same campaigns. I would point out to the Senator that until last year we did not have a presidential primary. But, further, if you really want to make the -- the Texas vote meaningful, leave it then at May, rather than

12.

going to an earlier primary time, or a separate presidential primary time.

With an early filing deadline, and under the Ogg bill, I believe it would be January 15th, you cut out dark horses, you cut off opposition to the incumbents. Beyond that, in the Republican instance where we do not have an incumbent president, you'll find many, many candidates that will appear on the ballot. There will thus be many wasted votes, votes that really are not meaningful in determining who the nominee will be, but rather the early primary would simply be instrumental in knocking off some of those possible candidates.

To be really meaningful you wait until May when some of the lesser candidates, people who are not really viable in the national scene. When they are eliminated we get down then into May and the Texas vote could very well determine who will be the nominees of the individual parties.

So influence -- if you're really talking about influence you'll wait for the May primary.

CHAIRMAN : Would you yield for a question?

BARNHART : Yes sir.

CHAIRMAN : Or an observation --

OGG : Chairman Barnhart, may I ask you, ah, to cite me one instance where a late primary has decided as late as -- even as Texas, much less, ah, in June, as some have been cited before where -- where they decided, ah, the -- the outcome of an election? Not where they put someone over the top, but where they really turned it, and decided the outcome of a nomination?

BARNHART : Ah, I can't off -- offhand, but I'll do some research and bring it back to you if you -- if you will. But we have not had a history of presidential preference primaries in the State of Texas.

OGG : I'm talking about -- I'll give you the whole United States and cite one.

BARNHART : Well, I think we'll start a trend.

13.

I think it's about time that Texas took the lead --

OGG : So, so then, you're saying you think that it could do that -- you're -- rather than it being meaningful, you're just assuming that that is a possibility?

BARNHART : Oh, yes...

OGG : Okay.

BARNHAT : ...a very strong possibility. If you look at the logistics of the Ogg bill, I think that you find that it is a maze of confusion, and a great -- great deal of added work to the party people who must conduct the elections. Further, I think you will find that the county clerks who are charged with conducting the elections will be outraged at the tremendous additional workload that would be imposed on them.

If you look at, ah, the Ogg bill, you find that a filing deadline will be in January. January 15th, I believe. Followed by, in March the presidential primary, followed by in April, the city and school district elections, ah, followed by in May, in the instance of the Republican Party, the necessity for us then to hold our precinct conventions, and our senatorial district, and county conventions at our own expense, in May, for the sole purpose of selecting delegates to a state convention for the sole purpose of selecting delegates to the national convention.

We then go into, ah, a June convention, we have our national convention in July at the same time as the general primary.

OGG : Mr. Chairman?

BARNHART : And I presume that if you stick with the Ogg bill, when you get into an August runoff date, that too will then fall in the middle of the Democratic national convention.

CHARIMAN : Sen. Ogg?

OGG : Ah, Chairman Barnhart, then..are you -- are you for or against a convention system?

BARNHART : I am very much for a convention system.

OGG : All right, then..do you, ah, does this add any conventions to it, or does it shorten any conventions?

14.

BARNHART : Your proposal?

OGG : This bill -- yes.

BARNHART : Yes sir, it sure does.

OGG : What -- what does it add? What convention does it add?

BARNHART : It adds the necessity for our party of a convention in June that we're going to have to --

OGG : Don't you have a convention --

BARNHART : -- handle.

OGG : Won't you have a convention in June under the present law?

BARNHART : That's right.

OGG : All right.

BARNHART : -- And then we'll then --

OGG : -- Well --

BARNHART : -- at that -- in the May primary, we will select our delegates that would also be there for the September convention.

OGG : All right, would you do that under the present law? Would you have a -- would you have a -- a precinct and a senatorial or county convention in May under the present law?

BARNHART : Yes we would. And it is --

OGG : All right, sir.

BARNHART : -- there that we would select our delegates to our state convention, both in June and in September.

OGG : All right sir, now...will you tell me what you just said that under the present law it's the same as it would be under this, the same number of conventions...now, what conventions does it add?

BARNHART : It adds another precinct convention, it adds another senatorial or --

OGG : Which -- how does it add that, Ray?

BARNHART : All right...we will have to do that for our conventions -- for our may conventions, ah, for our May

conventions --

OGG : Do you do it now?

BARNHART : -- so we select our national convention.

That's correct.

OGG : Do you do it now? All right. Then,
it doesn't add one in May.

BARNHART : Not in May.

OGG : All right.

BARNHART : So, then we go to a July general primary,
and --

OGG : All right now, wait a minute --

BARNHART : -- in July --

OGG : -- we're talking about the convention,
we're not talking about primaries --

BARNHART : All right --

OGG : What conventions does it add?

BARNHART : It adds precinct conventions the night
of the general primary, and it must then add another senatorial
district convention to select delegates into the September
convention.

OGG : All right, so...if, then, if in fact
instead of holding these in July and August, ah, the general
and the runoff primaries were held in May and June, would it
add any conventions? Would there be any additional conventions
that would have to be participated in?

BARNHART : I would presume there would not.

OGG : Thank you.

BARNHART : And I also presume that you would get
around to that kind of a cosmetic amendment at the time this
bill was introduced.

OGG : Would you be for the bill if we did
that, then? Would that, ah --

BARNHART : I would be unalterably opposed to it
because I believe so strongly in a same day presidential primary
with the general primary. The --

16.

OGG : Why do you believe so strongly in a same day, ah, same day presidential primary, and a same day general convention?

BARNHART : Because I --

OGG : General --

BARNHART : -- think it protects the people of this state against maneuvering in --

OGG : How does it protect --?

BARNHART : -- presidential selection.

OGG : How does it protect --

BARNHART : It seems to me that there are some people who would like to have a seaparte primary for president-- for the presidency -- for the presidential nominations. And then terminate the registration year to start all over again, immediately after that presidential primary --

OGG : Well --

BARNHART : -- as you have in your bill.

OGG : -- does it protect --

BARNHART : -- So that you then --

OGG : -- the people _____ party then?

BARNHART : -- so then you -- you then have a vote based on president in March, and the end of a registration year so that new people then, not those who necessarily voted for that individual for president, but new people will then come in in May to select the delegates, being tied to the candidates that were elected by a different group several months before.

OGG : Are you aware that 21 of the 30 states that now hold -- hole presidential primaries hold them at a different time than -- than they hold their general primaries?

BARNHART : Yes sir.

OGG : All right, sir. Then..what you're saying is, it wouldn't protect the people...what it would protect is the party. That--

BARNHART : I think it would protect the party, I think it will improve the political climate in this state and

certainly the strength of political parties. There --

OGG : Do you think --

BARNHART : -- are some people who say that the political party is not important. I would remind you, gentlemen, that you would not be here if it were not for a party affiliation. If you are sincere in saying you don't believe in the political parties, then I suggest we should have one unified ballot and eliminate all party affiliation altogether.

OGG : Who has said that they weren't interested in having political parties? I --

BARNHART : I've heard --

OGG : -- haven't heard anybody say that.

BARNHART : -- ah, I've heard many people say that the party is not important to party structure is not --

OGG : Have you heard anybody say --

BARNHART : -- important.

OGG : -- it at this hearing/

BARNHART : I think I heard that earlier, yes.

I say that the additional cost for holding separate presidential primaries from the general primary, ah, cannot be supported, ah, by the people of this state. I don't think they want it. And I think you do a disservice --

MOORE : _____ right there, Senator.

I've been here a long time, and I have received no mail either for or against this legislation, and people are not concerned about _____ this minute amount of money it's going to cost when we --- I don't know whether you've ever served on Finance or Appropriations bill of the House, but we've spent an awful lot of money in _____ (tape goes blank-mike off) -- waste an awful lot of postage, and I'm not going to waste the state's money replying. Let's put that in the record.

BARNHART : All right, sir.

In any event, I have stated the Republican position that has been very clearly annunciated, ah, during the past several months, and it will be intensified during this debate.

18.

We did find that there were several injustices in the way the Bentsen bill was constructed, and thus, in our party rule we attempted to change that in order to be more responsive to people and -- and fairer in the allocation of delegates. And thus we provide that delegates to the National will be selected from the congressional districts. The winning candidate will get those delegates only if he or she receives a majority of the vote, in that particular congressional district. If there is not a majority vote, then we go to pluralities, and the top vote-getter gets two in our instance, and the runnerup gets one.

So, we have tried to be sure that we reflect as accurately as possible, ah, the will of the people within the various congressional districts.

We believe we have a very sound and fair equitable bill that is neutral in its treatment of candidates. And we would urge you to give serious consideration to not denying our party its right to conduct our party business according to the rules of the people who constitute the party.

MOORE : Any further questions for Mr. Barnhart?
Thank you, Mr. Barnhart.

(END OF COMPLETE TESTIMONY, QUESTIONS & ANSWERS OF MR. BARNHART)

(THE FOLLOWING ARE QUESTIONS & ANSWERS OF BILLIE CARR)

MOORE : Mrs. Carr, a Republican wants to ask you a question, and he --

CARR : Yes, Mr. Harris.

HARRIS : Mrs. Carr, I promise to read it if you'll promise to tell me -- in the future -- my mind's not made up.

CARR : All right, fine.

MOORE : Well, probably, I shouldn't have spoke for the committee, but that was my -- that was my analysis of the situation, and I could have been wrong in 2 or 3 situations.

CARR : Yes, well, I certainly hope so.

(Mrs. Carr speaks)

OGG : Question, Mr. Chairman.

MOORE : Sen. Ogg.

OGG : Billie, Ms. Carr, are you saying that -- that in 1968 that with the -- the votes that Bobby Kennedy got in the -- in the California primary, that that gave him numerically the electoral votes, ah, the delegate vote to go to the Democratic Convention and be president, and that numerically he had that with the California delegation? Is that your testimony?

CARR : Yes. That's my understanding. It was projected at that moment that he won. If he didn't it even proves our case more --

OGG : It was --

CARR : -- because it means that it was late in June before the nomination was locked up.

OGG : It may have been projected that he could go, and with the number of delegates as I recall, I don't think he even had 400 delegates at that point --

CARR : Oh, no..I -- I think that's wrong.

OGG : -- as my recollection of it.

CARR : But, anyway, you will agree, I think, that at the California Convention that certainly was where -- there was just as much excitement as there was in New Hampshire, and that that was a crucial state, and his, ah, winning California was crucial and certainly got as much media and attention as anything earlier.

McGovern and Humphrey's battle in California was a significant one in '68. California gets just as much, ah, publicity as the earlier states, and they get to vote on all of the -- all of the candidates.

Under Sen. Ogg's bill, we have to give to the Secretary of State a list of everyone that's going to run in the primary. That means that we have to se---decide what candidates we're going to support, just as, ah, Mr. Barnhart testified, early in January.

Ah, I -- with an incumbent president, all of the candidates

20.

aren't going to be in the race in the first 2 or 3 weeks of January. Texas then will be locked out from supporting candidates who might enter later, after our primaries, and our influence will be none -- will be none whatsoever, because it will be all over, and we'll long be gone and forgotten about.

I'd rather be closer to the wire. That's where you have the influence, when you're closer to the wire when all of the candidates will be running.

We know that an incumbent president tests the waters in those early -- in those early primaries, to see if he's vulnerable. And if he is, in the case of Lyndon Johnson, and Eugene McCarthy, then Senator -- then President Johnson pulled out, and then Bobby Kennedy got in. Frank Church, Jerry Brown, did not get in until after the Texas primary. So --

MOORE : Will you yield to me right there?

CARR : Yes.

MOORE : I have read your statement, I promised you I would.

CARR : All right. Okay. (Mrs. Carr continues with statement)

(QUESTIONS AND ANSWERS CONTINUE BELOW AS EXCERPTED)

OGG : Mr. Chairman? (interrupts to ask question)

MOORE : Sen. Ogg.

OGG : Ms. Carr, speaking of vested interests, ah, if this did not have that change of the election year, or if no year was delineated, or if we had party registration in Texas, would you then be so opposed to this bill?

CARR : If it allowed for the principals that-- that the SDEC voted on, and we had proportional representation, and it met all the standards that the principals of the State Democratic Executive Committee has adopted. Then, that kind of a bill we could support.

OGG : Thank you.

(MRS CARR CONTINUES STATEMENT)

MOORE : Mrs. Carr, Sen. Harris again, he wants to ask you a friendly question.

21.

CARR : All right, I -- I will yield.

HARRIS : Now -- now, Sen. Moore led you to believe something that's not the case. It's not anywhere friendly, Ms. Carr.

CARR : Oh, I'm sorry.

HARRIS : Ah --

MOORE : Well -- we're -- all of our questions at this table is friendly --

CARR : That's fine, I -- I've had unfriendly questions -- before.

HARRIS : Well, your last statement there, there's several things -- respond to, but I'll skip over most of them, but that last statement kind of caught me. Ah, unfair to both parties? Now, we decided pretty well what it is we want to do, and we think that's fairly fair. So, we're just more than happy to leave it like it is and just let things go on by the board without somebody telling us whether it's fair or unfair.

CARR : You're talking -- you're speaking of the Republican Party?

HARRIS : Not for the Democratic Party, let me put it that way.

CARR : That's right.

HARRIS : And, I just -- it's interesting to me because I've sat here, and in the House of Representatives, in 1963, and then since 1967 in the Senate, and seen some of the election laws that have been passed, and I personally, without being mad at any of my colleagues about it, (tape goes blank...mike off) --

CARR : _____ seem to be on the same side, but so is Bill Heatley, he's one of the signers of, ah, 1018 in the House -- which is --

MOORE : Bill Heatley hates Republicans. Go --
Sen. Andujar. (laughter)

ANDUJAR : Mrs. Carr --

CARR : But he's not a liberal.

ANDUJAR : Ah, I think that all of the testimony

today has focused on the importance of the presidential primary, and ah, rightfully so. Ah, but, let's for the moment, ah, assume we've held it, now in July your party and mine, are faced with a regular nominating primary. Ah, would you care to comment on your experience, ah, within the state of trying to have meetings, get people out, walk blocks and get out the support candidates in the middle of July?

CARR : I think that if you took a poll of EXXON and Gulf, and some of those other companies that some of you are familiar with that you will find that most of their employees take their vacations in the months of July and August. I campaigned in the days when we had our elections in July and August, and those are the Dog Days of Summer and it's very difficult to get people out to vote, and that is the strong vacation period, and the students are not, ah, this, ah, does give them a dilemma because they're not at their college, but in November they would be, and it's -- ah, a process of where they're going to vote. There are lots of problems with getting people out to vote in July and August.

I've found it to be a -- bad time.

MOORE : Mrs -- Mrs. Carr, will you yield for me there? I don't know whether I'll offer it, but it will be offered a corrective amendment that I have every reason to believe will be adopted, that will cure that July and August problem. Because I ran as a candidate in July and August before we had airconditioning, and it gets just as hot out in the rural areas as it does in Houston. And I'm not for that either.

But I think that's a matter than can, and will be worked out before this bill leaves this Senate...if it does.

CARR : Yes -- good! When you think about airconditioning, I'm glad you mentioned that, because with your polling places it's going to cost a whole lot more and I think when you're talking about the cost of election let's figure in airconditioning those polling places in July and August.

MOORE : Well, we're going -- we've got to conserve energy, and that's (laughter) -- one of the reasons I was

doing it.

CARR : I would like to leave, ah, tell -- if you will pardon my partison just a minute...being partisan just a minute, I -- I think that if this bill passed you could look for a challenge before the Compliance Review Commission, if delegates are elected you can look for a challenge at our convention, ah, of the delegates elected under such an unfair system, and I think that Texas Democrats cannot afford this kind of forced warfare at this time. And those people that bring it about by supporting this bill will have to take the blame and the heat for whatever warfare this kind of a bill is going to bring...

MOORE : Sen. Howard --

CARR : ...among us, who now have some unity.

MOORE : Sen. Howard from Texarkana.

CARR : Yes.

HOWARD : Would I -- understand you to say that you would challenge this if it were passed and the delegates were, ah, elected under this system?

CARR : Yes, because it -- well, first of all, I won't have to because I think --

HOWARD : Just -- yes --

CARR : -- the Compliance Review Commission will not approve this system.

HOWARD : Okay, have you not, for the -- how many years you've been in the Democratic Party, challenging every delegation almost for every _____--

CARR : No! No! I've only challenged --

HOWARD : This wouldn't be any different from any other challenge --

CARR : No, that's not true. I only challenged in 1968, as a matter of fact, when I said that John Connally wasn't a Democrat. I'm sorry that they didn't, ah, under --

MOORE : You proved yourself right --

: I believe --

CARR : I did, I did.

24.

HOWARD : I believe it was some wisdom in that.

CARR : I did challenge, ah, 3 delegates in 1974, and I won that challenge.

HOWARD : That's what I said, I seem ---

CARR : That's the only 2.

HOWARD : -- I seem to hear your name a mention with all the challenges over the years.

CARR : Well, I've been involved in 26 years, and I've had 2 challenges.

HOWARD : So, you -- you're really concerned about the purity of the party. Isn't that it?

CARR : I'm -- I'm concerned about the integrity of the party, and about a 2-party system in Texas.

Yes sir.

HOWARD : Thank you.

(MRS. CARR RESUMES TESTIMONY)

MOORE : Any further questions of Mrs. Carr?

Thank you, Mrs. Carr.

CARR : Thank you.

(TAPE IS FORWARD TO MRS. CARRIN PATMAN'S TESTIMONY TO QUESTIONS AND ANSWERS)

MOORE : Mrs. Patman, could I -- what about us doing it in July?

PATMAN : Well, that would be slightly late, Senator, to have any impact since the National Convention, of course, is held in July.

MOORE : What -- well, it wouldn't either, it might tilt the balance, first Saturday in July?

PATMAN : Well, it might be an idea worth considering. I think Representative (Close) has suggested perhaps a very good compromise, that both elections be held in June, which might work quite well. (Mrs. Patman continues)

MOORE : (Senator Moore interrupts testimony to comment about President Johnson's decision not to run)

Mrs. Patman, if you'll yield to me, I understood that he

told Mrs. Johnson after he won in -- whenever he won, that he wasn't going to run no more. I read that somewhere, he -- he --

PATMAN : Well, Senator, what I'd like to point out to you is that under this bill, Senate Bill 602, the Texas Primary would have been over 3 weeks before that key decision was made, in 1968, and Texas would have probably cast all its votes for -- or most of them, for a person who did not turn out eventually to be a candidate during that election year.

OGG : Mr. Chairman?

MOORE : Sen. Ogg.

PATMAN : Would it be--

OGG : Excuse me. Ah, Mrs. Patman, is there anything in Senate Bill 602 that if a candidate who got, who was on the ballot and got a certain percentage of -- those electoral votes that if they later withdrew as a candidate, is there anything in there that would bind the people through any convention votes?

PATMAN : I believe there is not, Senator, but your argument in favor of having a presidential primary is to let the people have the choice, not to let uncommitted delegates go up there and make the choice. You want the people to have a voice.

It would be too late for the people under those circumstances to register a choice.

OGG : Well -- if, according to your, ah, thesis a minute ago about -- about President Johnson, do you think if - if he would have, ah, if there would have been a March primary in Texas, and he had won that primary, that his decision might have been the same?

PATMAN : Senator, I sincerely doubt that Lyndon Johnson's decision on whether to run hinged on any lack of faith that he could carry Texas. I am sure he assumed that he could, and he undoubtedly would have, that

did not, in my view --

OGG : But --

PATMAN : -- effect his decision.

OGG : What -- (END OF SIDE 1, some verbiage lost)

MOORE : --- before we get involved that we --

(TAPE BLANKS OUT, MIKE NOT ON) -- adhered to that rule, we will do so today. There are lots of bills on the calendar, and in fairness to the other members of the Senate, I don't think that this committee should devote over 3 hours, and I hope you'll give us some of that back, because I don't think the testimony is going to change the mind of any member of this committee.

Ah -- (laughter) -- but, ah, I just want you to understand that so if I abruptly cut somebody off at 5 o'clock, that's what's going to happen. And we're going to lay out at this time 3 bills.

(TESTIMONY REQUESTED ENDED WHERE TAPE BLANKED OUT)

COMMITTEE AMENDMENT No. 1

BY: [Signature]

- 1 Amend S.B. No. 602, page 5, line 16, by striking the "second"
2 that appears before "Tuesday" and substituting "first".

3/5/79

Com. Am. #10

COMMITTEE AMENDMENT No.

2

BY:

[Handwritten signature]

- 1 Amend S.B. No. 602, *make all* page 44, line 22, by striking "July" and
2 substituting "August".

2/3/6/79

Am. Am. #2

change to 2

[Signature]

COMMITTEE AMENDMENT NO. 3

BY: _____

1 Amend S.B. No. 602, } page 14, line 5, } by striking "first" and
2 substituting "second".

RT.
3

Com. Am. # 3

COMMITTEE AMENDMENT No. 4

BY: [Signature]

Amend S.B. No. 602 as follows:

1. Strike Subsection (b) on page 2, beginning at line 14, and redesignate Subsections (c) and (d) on page 2 as Subsections (b) and (c).

2. Redesignate Subdivisions 7 through 11 on pages 3 and 4 as Subdivisions 8 through 12 and insert a new Subdivision 7 to read as follows:

Subdivision 7. FILING APPLICATION FOR PLACE ON BALLOT;
CERTIFICATION OF CANDIDATES. (a) Applications for a place on
the presidential primary ballot shall be filed with the state
chairman of the appropriate political party not later than 6 p.m.
on the third Monday in January of a presidential election year.

(b) Not later than 14 days after the filing deadline
prescribed by Subsection (a) of this subdivision, the state
chairman shall certify to each county chairman the names of the
candidates who qualify under the party's rules for a place on
the ballot and notify the Secretary of State of those names.

Com. Am. #4

28
3/6/99

AN ACT relating to the selection of delegates to national nominating conventions and party nominees for public office.

2-15-79 Filed with the Secretary of the Senate

FEB 15 1979 Read, referred to Committee on STATE AFFAIRS

MAR 6 1979 Reported favorably. as amended

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by
 { unanimous consent.
 _____ yeas, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

Read second time and { ordered engrossed.
 passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of
_____ yeas, _____ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.
 _____ yeas, _____ nays.

OTHER ACTION:

Secretary of the Senate

Engrossed

Sent to HOUSE

ENGROSSING CLERK

Received from the Senate

Read first time and referred to Committee on _____

Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

Sent to Committee on Calendars _____

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays

Present, not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of
_____ yeas _____ nays _____ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of _____ yeas _____ nays
_____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

Chief Clerk of the House